

000613

CITY OF SAN DIEGO
OFFICE OF THE CITY CLERK

335
1/29

RECOMMENDATIONS

RECEIVED
CITY CLERK'S OFFICE

COMMUNITY PLANNING GROUP /STAFF'S /PLANNING COMMISSION

07 OCT 33 PM 2:42

SAN DIEGO, CALIF.

Project Manager **must** complete the following information for the Council docket:

CASE NO. Project No. 81316, 1244 Oliver Tentative Map

STAFF'S

Please indicate recommendation for each action. (ie: Resolution / Ordinance)

DENY APPEAL and APPROVE Resolution for Coastal Development Permit No. 457937; and

DENY APPEAL and APPROVE Resolution for Tentative Map No. 254536 and the request to waive the requirement to underground existing overhead utilities.

PLANNING COMMISSION (List names of Commissioners voting yea or nay) (Garcia – not present)

YEAS: 5 – Schultz, Ontai, Otsuji, Nasland, & Smiley

NAYS: 1 - Griswold

ABSTAINING:

TO: (List recommendation or action)

APPROVED Coastal Development Permit No. 457937; and

APPROVED Tentative Map No. 254536 and the request to waive the requirement to underground existing overhead utilities.

COMMUNITY PLANNING GROUP (choose one)

LIST NAME OF GROUP: Pacific Beach Community Planning Committee

☐ No officially recognized community planning group for this area.

☐ Community Planning Group has been notified of this project and has not submitted a recommendation.

☐ Community Planning Group has been notified of this project and has not taken a position.

☒ Community Planning Group has recommended approval of this project.

☐ Community Planning Group has recommended denial of this project.

☐ This is a matter of City-wide effect. The following community group(s) have taken a position on the item:

In favor: 15

Opposed: 0

By. _____
Project Manager

000615



THE CITY OF SAN DIEGO

RECEIVED

CITY CLERK'S OFFICE

07 OCT 33 PM 2:41

SAN DIEGO, CALIF.

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: August 23, 2007 **REPORT NO.** PC-07-094

ATTENTION: Planning Commission, Agenda of August 30, 2007

SUBJECT: 1244 OLIVER TENTATIVE MAP - PROJECT NO. 81316. PROCESS 4

**OWNER/
APPLICANT:** Mr. William G. Clarke Family Trust

SUMMARY

Issue(s): Should the Planning Commission approve a Coastal Development Permit and Tentative Map to convert nine existing apartment units into residential condominiums located at 1244 Oliver Avenue, with a request to waive the requirement to underground existing overhead utilities?

Staff Recommendation:

1. APPROVE Coastal Development Permit No. 457937; and
2. APPROVE Tentative Map No. 254536 and the request to waive the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: On April 26, 2006, the Pacific Beach Community Planning Committee voted 15-0-0 to recommend approval of the proposed project with a stipulation that a new trash enclosure be added to the site.

Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, 15301 (k), as "Existing Facilities". This project is not pending an appeal of the environmental determination. The exemption determination for this project was made on October 11, 2005; and the opportunity to appeal that determination ended on October 25, 2005.

Fiscal Impact Statement: All costs associated with processing of this application are paid for by the applicant.

Code Enforcement Impact: None.

Housing Impact Statement: The proposed project is the conversion of nine existing apartment units into condominiums. There would be a loss of nine rental units and a gain of nine for-sale units. This Tentative Map project is required to comply with the inclusionary housing requirements and tenant relocation assistance program, which are conditions of the proposed Tentative Map (Attachment 8).

BACKGROUND

The 6,245 square foot site is located at 1244 Oliver Avenue in the RM-1-1 Zone, Coastal Overlay Zone (non-appealable) and Coastal Height Overlay Zone. The development is located on two parcels and designated Multi-Family Residential by, and located within, the Pacific Beach Community Plan area (Attachment 2). The surrounding area is developed with multi-family and some intermittent single family development. The proposed subdivision constitutes, by definition, Coastal Development, which pursuant to the Land Development Code (Section 126.0702) requires a Coastal Development Permit. A Tentative Map is required, by the Land Development Code (Section 125.0410), for the proposed division of the property into nine residential condominium dwelling units.

The existing development is a two-story, nine dwelling unit apartment building that was constructed in 1958. At the time the property was developed the approved construction met all the current regulations. The apartment building includes eight, studio units and one, one-bedroom unit, ranging in size from approximately 400 square feet to 690 square feet each. The original development provided ten parking spaces, five accessible from Oliver Avenue and five accessible from the alley to the north.

No Building or Zoning Code violations are recorded against the property. The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. If this property was undeveloped today, under the current RM-1-1 Zone development regulations, up to two residential dwelling units could be developed.

DISCUSSION

Project Description:

The project proposes to convert the existing residential complex, of nine residential apartments, into nine residential condominium dwelling units. Utilities are located above ground in the right-of-way of the alley at the rear of the property, north of Oliver Avenue and east of Everts Street. The apartment building was constructed in 1958 and consists of a two-story, concrete, wood siding and brick veneer. The project has a total of ten off-street parking spaces, five accessible from Oliver Avenue and five accessible from the alley. During the project's review, City Staff determined that the existing structure was in conformance with the development codes in effect at the time of construction.

Undergrounding Waiver Request:

The project site is located in Block 2-U of the City's Undergrounding Master Plan and is scheduled for undergrounding to start May 31, 2047 (Attachment 13). San Diego Municipal Code Section 144.0240, allows the subdivider to apply for a waiver of the requirement to underground the existing overhead utilities within the boundary of the subdivision, or within the abutting public rights-of-way. City staff has determined the undergrounding waiver request qualifies under the Guidelines of Council Policy 600-25, *Undergrounding Conversion of Utility Lines at the Developers Expense*, in that it involves a short span of under 600-feet, would not represent a logical extension to an undergrounding facility and is a condominium conversion application. The applicant would be required to underground any new service run to any new or proposed structures within the subdivision and all onsite utilities serving the subdivision will be undergrounded as a condition of the Tentative Map (Attachment 8). If the requested waiver of undergrounding is not approved, the applicant would have to add one additional power pole, at the north west corner of the property along the alley.

Project-Related Issues:

All condominium conversion projects deemed complete on or after February 7, 2004, must conform to the regulations regarding Inclusionary Housing, Coastal Affordable Housing and Tenant Relocation Benefits adopted by the City Council on March 15, 2004. Conditions Nos. 11, and 12 of the draft Tentative Map Resolution (Attachment 8) require compliance with this ordinance. In order to meet this requirement the applicant has elected to pay the in-lieu fee for Coastal Affordable Housing, which is calculated to be \$145,100.00.

Building Conditions Report and Landscape Plan Requirements:

In accordance with the current regulations, the applicant provided a Building Conditions Report and Landscape Concept Plan. Both of these documents have been reviewed for conformance with the applicable regulations within the Land Development Code (Chapter 14, Article 4, Division 5) and have been accepted by staff as conforming with the regulations (Attachment 15).

Conclusion:

A Coastal Development Permit, Tentative Map and Waiver of Undergrounding for a Condominium Conversion are a Process Four, Planning Commission decision pursuant to San Diego Municipal Code Sections 126.045 and 125.0430. A Tentative Map for Condominium Conversion may be approved if the decision maker finds that the proposed division of land complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed condominium conversion and found it to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps and land use policies. Staff has determined that the required findings can be made as the project meets the applicable San Diego Municipal Code regulations and requirements. Staff recommends approval of the project as proposed.

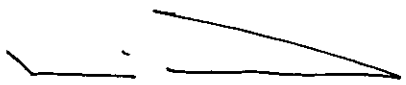
The project site is located within the Coastal Overlay Zone and recently became subject to new

condominium conversion regulations adopted by the City Council on June 13, 2006, when the California Coastal Commission certified them on June 14, 2007.

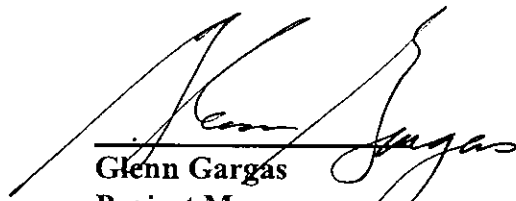
ALTERNATIVES

1. Approve Coastal Development Permit No. 457937 and Tentative Map with Waiver of Undergrounding No. 254536, with modifications.
2. Deny Coastal Development Permit No. 457937 and Tentative Map with Waiver of Undergrounding No. 254536, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Glenn Gargas
Project Manager
Development Services Department

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plan/Tentative Map
6. Draft CDP Permit
7. Draft CDP Resolution
8. Draft Tentative Map Conditions and Subdivision Resolution
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Project Chronology
12. Housing Commission Letter - Coastal Affordable Housing Compliance
13. Proposed Undergrounding of Overhead Utilities
14. Photos of Existing Front and Rear Elevations
15. Building Conditions Report

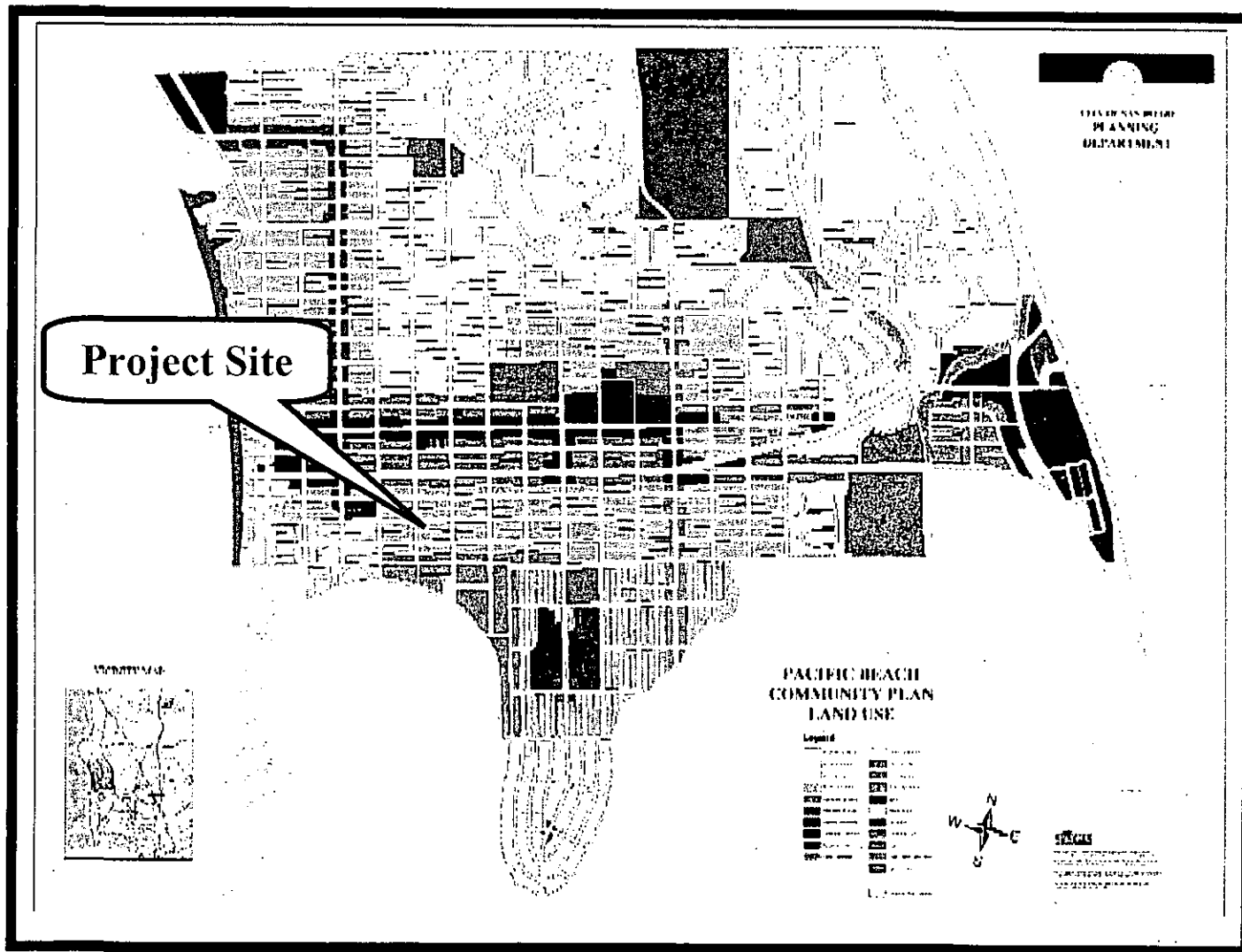


Aerial Photo

1244 OLIVER TENTATIVE MAP – 1244 OLIVER AVENUE

PROJECT NO. 81316

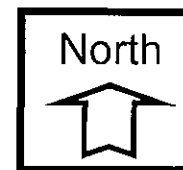


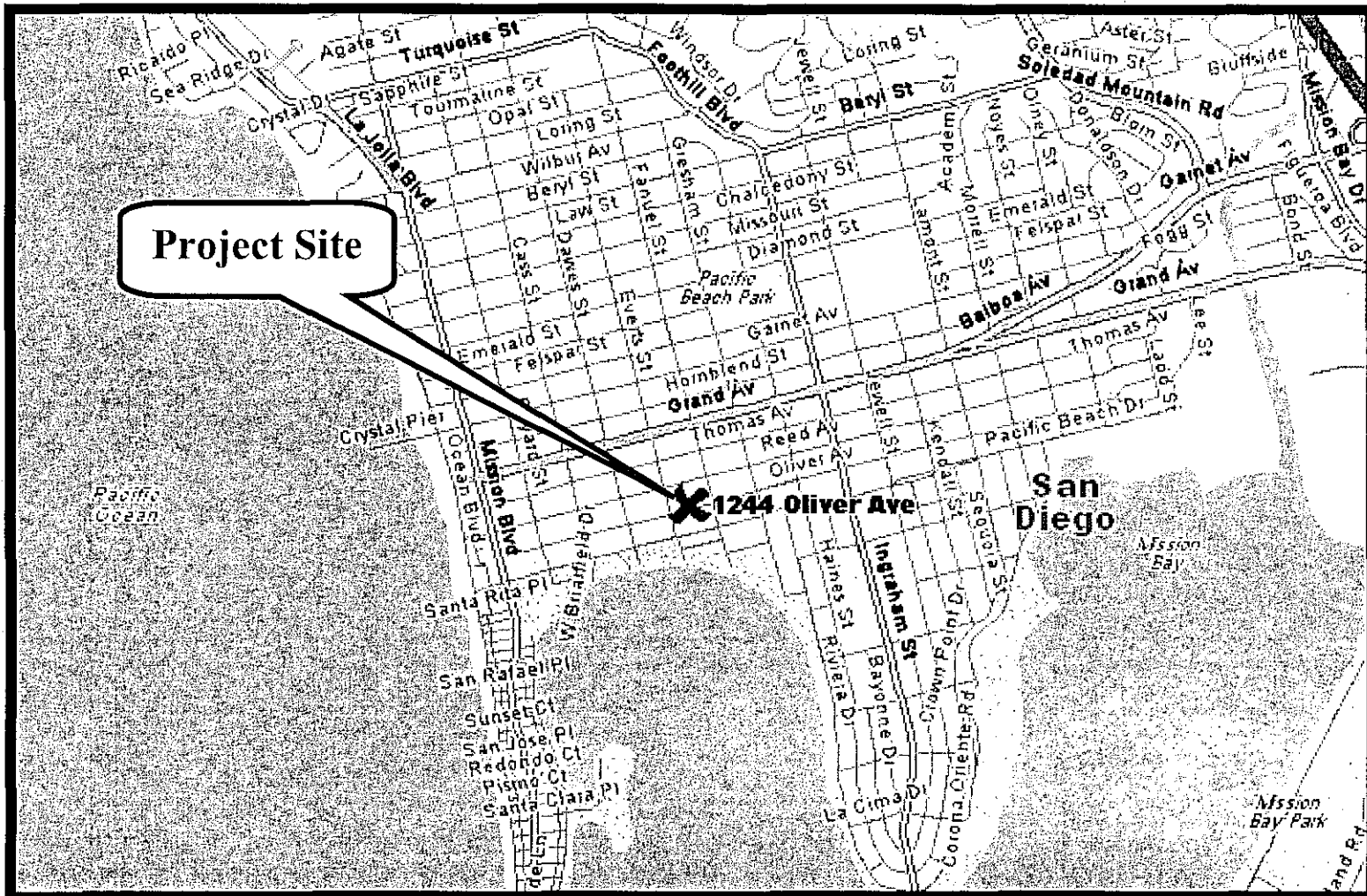


Land Use Map

1244 OLIVER TENTATIVE MAP – 1244 OLIVER AVENUE

PROJECT NO. 81316 – PACIFIC BEACH CPG





Project Location Map

1244 OLIVER TENTATIVE MAP – 1244 OLIVER AVENUE
PROJECT NO. 81316



PROJECT DATA SHEET

FOR CONDOMINIUM CONVERSIONS

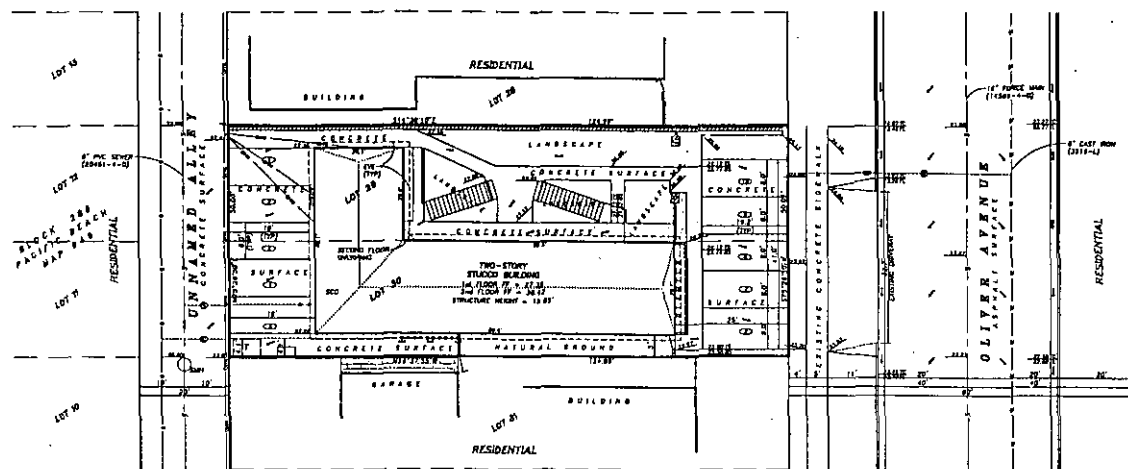
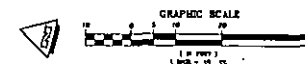
| | | | | |
|--|---|-----------------------------------|--|---|
| PROJECT NAME: | 1244 Oliver Tentative Map | | | |
| PROJECT DESCRIPTION: | Conversion of nine residential units to condominium ownership and a waiver to underground existing utilities. | | | |
| COMMUNITY PLAN AREA: | Pacific Beach Plan Area. | | | |
| DISCRETIONARY ACTIONS: | Coastal Development Permit, Tentative Map and utility underground waiver | | | |
| COMMUNITY PLAN LAND USE DESIGNATION: | Multi-Family Residential | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <u>CURRENT ZONING INFORMATION:</u> ZONE: RM-1-1: multi-family residential zone DENSITY: one dwelling unit per 3,000 sq. ft. of lot area. HEIGHT LIMIT: 30-Foot maximum height limit. LOT SIZE: 6,000 square-foot minimum lot size. FLOOR AREA RATIO: 0.75 maximum. FRONT SETBACK: 15/20 feet. SIDE SETBACK: 5/8 feet. STREETSIDE SETBACK: 10 feet. REAR SETBACK: 15 feet. PARKING: 14 spaces required </td> <td style="width: 50%; vertical-align: top;"> <u>CONSTRUCTED:</u> R-4 One unit per 400 sq. ft. of lot area 30 6,245 Square Feet 0.62 25-Feet 5-Feet NA 19-Feet 10 spaces </td> </tr> </table> | | | <u>CURRENT ZONING INFORMATION:</u> ZONE: RM-1-1: multi-family residential zone DENSITY: one dwelling unit per 3,000 sq. ft. of lot area. HEIGHT LIMIT: 30-Foot maximum height limit. LOT SIZE: 6,000 square-foot minimum lot size. FLOOR AREA RATIO: 0.75 maximum. FRONT SETBACK: 15/20 feet. SIDE SETBACK: 5/8 feet. STREETSIDE SETBACK: 10 feet. REAR SETBACK: 15 feet. PARKING: 14 spaces required | <u>CONSTRUCTED:</u> R-4 One unit per 400 sq. ft. of lot area 30 6,245 Square Feet 0.62 25-Feet 5-Feet NA 19-Feet 10 spaces |
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| <u>ADJACENT PROPERTIES:</u> | LAND USE DESIGNATION & ZONE | EXISTING LAND USE | | |
| | NORTH: | Multi-Family Residential; RM-1-1. | Multi-Family Residential | |
| | SOUTH: | Multi-Family Residential; RM-1-1. | Multi-Family Residential | |
| | EAST: | Multi-Family Residential; RM-1-1. | Multi-Family Residential | |
| | WEST: | Multi-Family Residential; RM-1-1. | Multi-Family Residential | |
| DEVIATIONS OR VARIANCES REQUESTED: | None | | | |
| COMMUNITY PLANNING GROUP RECOMMENDATION: | On April 26, 2006, the Pacific Beach Community Planning Committee voted to approve the request for the Tentative Map. The motion passed 15-0-0. | | | |

1244 OLIVER AVENUE

TENTATIVE MAP FOR CONDOMINIUM CONVERSION

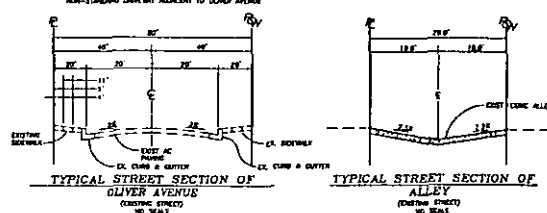
Tentative Map No. 254536

Project No. 81316



DEVELOPMENT NOTES:

- THIS IS A MAP OF A CONDOMINIUM PROJECT AS SET FORTH IN SECTION 12.10 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA. THE PROJECT IS A TENTATIVE MAP FOR THE CONVERSION OF AN EXISTING BUILDING INTO A CONDOMINIUM PROJECT.
- NUMBER OF EXISTING LOTS = 3
- NUMBER OF PROPOSED LOTS = 1
- SUBDIVIDER SHALL REMOVE PARKING STRIPS FROM THE OLIVER AVENUE RIGHT-OF-WAY.
- SUBDIVIDER SHALL RETAIN THE PARKING AREA ADJACENT TO OLIVER AVENUE AS SHOWN ON THIS MAP.
- SUBDIVIDER SHALL RETAIN THE DAMAGED AREA OF THE EXISTING PARKING AREA OFF OF OLIVER AVENUE.
- SUBDIVIDER SHALL RETAIN THE DAMAGED AREA OF THE ALLEY ADJACENT TO THE SITE.
- SUBDIVIDER SHALL OBTAIN AN EASE FOR THE NON-THROUGH DRIVEWAY ADJACENT TO OLIVER AVENUE.
- THE SUBDIVIDER SHALL COMPLY WITH ALL CURRENT CITY OF SAN DIEGO ORDINANCES RELATIVE TO THE CITY OF SAN DIEGO STREET MANUAL, SUBDIVISIONS TO THE CITY OF SAN DIEGO.
- THE SUBDIVIDER SHALL ENSURE THAT ALL EXISTING UTILITIES ARE PROTECTED AND MAINTAINED. THE SUBDIVIDER SHALL PROVIDE WRITTEN CONFIRMATION FROM APPLICABLE UTILITIES THAT THE CONVEYOR HAS TAKEN PLACE TO PROVIDE OTHER MEANS TO ASSURE THE UNDERLYING UTILITY TO THE CITY OF SAN DIEGO.
- THE SUBDIVIDER SHALL INSTALL PROTECTIVE DRIVE FLOW DEVICES ON ALL EXISTING AND PROPOSED DRIVEWAYS ADJACENT TO THE PROJECT SITE AT A MINIMUM SUBDIVISION TO THE CITY OF SAN DIEGO.
- THE SUBDIVIDER SHALL PROVIDE EASE AS REQUIRED.



ZONING INFORMATION

EXISTING AND PROPOSED ZONE: RM-1-1
CONDOMINIUM PLANNING MAP: PROJECT MAP
OVERLAY ZONE: PARKING IMPACT, RESIDENTIAL, PARKING
CITY OF SAN DIEGO, CALIFORNIA (CITY)

DEVELOPMENT SUMMARY

- CONVERT 3 EXISTING LOTS TO CONDOMINIUMS AND FILE A ONE LOT ZONING MAP.
- STREET ADDRESS: 1244 OLIVER AVENUE
8.5' EAS. TO CITY OF SAN DIEGO
BETWEEN OLIVER STREET AND PARKER STREET
- LOT AREA:
TOTAL LOT AREA (SUBDIV) (0.120 AC) (0.114 AC)
NET LOT AREA: (0.114 AC)
- DEVELOPMENT (PROPOSED):
SUBDIVISION NO. 1244 OLIVER AVENUE
NUMBER OF EXISTING LOTS TO BE SUBDIVIDED ON SITE: 3
TOTAL NUMBER OF LOTS PROVIDED ON THE SITE: 1
- LAND/SETBACK:
STREET LANE: 12'
STREET USE LANE: 12'
INTERIOR DRIVEWAY: 12'
REAR DRIVE: 12'
- PARKING: EXISTING: 12 SPACES, PROPOSED: 12 SPACES, TOTAL: 24 SPACES

CONDOMINIUM DEVELOPER:

WILLIAM C. & JANE C. CLARKE
CLARKE FAMILY TRUST
PO BOX 847
JANA, CA 91202

UNIT AREAS

| TYPE OF UNIT | NUMBER OF TYPE | SQUARE FOOTAGE PER UNIT | TOTAL SQUARE FEET |
|--------------|----------------|-------------------------|-------------------|
| STUDIO UNIT | 3 | 400 | 1,200 |
| 1 BR UNIT | 1 | 600 | 600 |

MONUMENTATION & MAPPING

ALL PROPERTY CORNERS WILL BE SET AND A ONE LOT ZONING MAP WILL BE FILED. A DETAILED PROCEDURE OF SURVEY WILL BE SUBMITTED ON THE FINAL MAP.

EXISTING IMPROVEMENTS

EXISTING BUILDING NO. 1244-4-0, 2944-1-0-0
WATER DRAINAGE NO. 3114-0

EXISTING & PROPOSED EASEMENTS

EXISTING: 12' EAS. TO CITY OF SAN DIEGO
PROPOSED: 12' EAS. TO CITY OF SAN DIEGO

OWNER/DEVELOPER:

WILLIAM C. & JANE C. CLARKE
CLARKE FAMILY TRUST
PO BOX 847
JANA, CA 91202

John C. Clarke, Architect

John C. Clarke, Architect

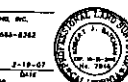
LEGEND

| PROPERTY LINE/TENTATIVE MAP BOUNDARY | SYMBOL |
|--------------------------------------|--------|
| EXISTING ALLEY WALL | --- |
| WOOD FENCE | --- |
| GATE | --- |
| SHOWING PIPE | --- |
| DIRECTION OF DRAINAGE | --- |
| WATER METER | --- |
| POWER POLE | --- |
| PARKING SPACE | --- |
| TOP OF CURB | --- |
| FLOW LINE | --- |
| SEWER DRAIN OUT | --- |
| FRONT FLOOR | --- |
| INDICATED TOP STEP | --- |
| INDICATED BOTTOM STEP | --- |
| INDICATED POLE-AND-CHLORINE | --- |
| EXISTING SEWER LATERAL | --- |
| EXISTING WATER SERVICE | --- |
| EXISTING GAS SERVICE | --- |
| INDICATED PROPOSED DRAIN ENCLOSURE | --- |

PROFESSIONAL LAND SURVEYOR

SAN DIEGO LAND SURVEYING & ENGINEERING, INC.
3848 CHATELAIN DRIVE, SUITE 415
SAN DIEGO, CALIFORNIA 92123 (619) 584-8242

ROBERT J. GATEWAY, P.E. 1005
REGISTRATION EXPIRES DECEMBER 31, 2006



| | |
|--|--|
| <p>Project by: SAN DIEGO LAND SURVEYING & ENGINEERING, INC. 3848 CHATELAIN DRIVE, SUITE 415 SAN DIEGO, CA 92123 (619) 584-8242 FAX: (619) 584-8242 Email: rjg@sdsls.com</p> | <p>Project Name: 1244 OLIVER AVENUE CONDOMINIUM CONVERSION</p> |
| <p>Project Description: CONVERSION OF EXISTING BUILDING OLIVER AVENUE AND PARKER STREET SUBDIVISION - 1244-4-0, 2944-1-0-0</p> | <p>Project Description: CONVERSION OF EXISTING BUILDING OLIVER AVENUE AND PARKER STREET SUBDIVISION - 1244-4-0, 2944-1-0-0</p> |
| <p>Project Location: LOT 28 AND 29, BLOCK 288 OF PACIFIC BLVD. IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA. ACCORDING TO THE RECORDS OF THE COUNTY OF SAN DIEGO, THE CITY OF SAN DIEGO, THE COUNTY OF SAN DIEGO, AND THE STATE OF CALIFORNIA.</p> | <p>Project Location: LOT 28 AND 29, BLOCK 288 OF PACIFIC BLVD. IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA. ACCORDING TO THE RECORDS OF THE COUNTY OF SAN DIEGO, THE CITY OF SAN DIEGO, THE COUNTY OF SAN DIEGO, AND THE STATE OF CALIFORNIA.</p> |
| <p>Project Owner: WILLIAM C. & JANE C. CLARKE CLARKE FAMILY TRUST PO BOX 847 JANA, CA 91202</p> | <p>Project Owner: WILLIAM C. & JANE C. CLARKE CLARKE FAMILY TRUST PO BOX 847 JANA, CA 91202</p> |
| <p>Project Architect: John C. Clarke, Architect</p> | <p>Project Architect: John C. Clarke, Architect</p> |
| <p>Project Engineer: Robert J. Gateway, P.E.</p> | <p>Project Engineer: Robert J. Gateway, P.E.</p> |
| <p>Project Surveyor: Robert J. Gateway, P.E.</p> | <p>Project Surveyor: Robert J. Gateway, P.E.</p> |
| <p>Project Date: August 15, 2006</p> | <p>Project Date: August 15, 2006</p> |
| <p>Project No. 81316</p> | <p>Project No. 81316</p> |

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-5094

COASTAL DEVELOPMENT PERMIT NO. 457937
1244 OLIVER TENTATIVE MAP – PROJECT NO. 81316
PLANNING COMMISSION

This Coastal Development Permit No. 457937 is granted by the Planning Commission of the City of San Diego to William G. Clarke and Joanne E. Clarke, Co-Trustees of Clarke Trust, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0702. The 0.25 acre site is located at 1244 Oliver Street, in the RM-1-1 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone, within the Pacific Beach Community Planning Area. The project site is legally described as Lots 29 and 30, Block 289, Pacific Beach Subdivision of AC Lots 67, 68, 76, 77, 80 and 81, Map TR No. 946.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner /Permittee to divide an existing 9 unit apartment complex to be converted into 9 residential condominium units described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated August 30, 2007, on file in the Development Services Department.

The project or facility shall include:

- a. Division of an existing two-story, 9 unit apartment complex, into 9 residential condominium units on a 0.143 acre property;
- b. Existing Landscaping;
- c. Existing Off-street parking facilities, ten parking spaces;
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. Conversion of the existing units to condominium ownership must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. This Permit shall become effective with recordation of the corresponding final parcel map for and approval of the project site.
8. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable,

or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

ENGINEERING REQUIREMENTS:

9. The Coastal Development Permit shall comply with all conditions of the associated Tentative Map No. 254536 to the satisfaction of the City Engineer.

AFFORDABLE HOUSING REQUIREMENTS:

10. The Housing Commission carried out a tenant income survey pursuant to the City's Coastal Overlay Zone Affordable Housing Replacement Regulations (Municipal Code Sections 143.0810 through 143.0860). The applicant is required to pay an in-lieu fee of \$145,100.00 to the Housing Commission or provide four replacement studio units for low-income households and one replacement studio unit for moderate-income households.

The applicant shall enter into a Coastal Affordable Housing Compliance Agreement with the Housing Commission prior to the approval of Final Map.

11. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5), to the satisfaction of the City Manager and the Housing Commission.

PLANNING/DESIGN REQUIREMENTS:

12. No fewer than ten (10) off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," on file in the Development Services Department. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

13. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

14. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for Inclusionary Housing Regulations (Chapter 14, Article 2, Division 13), to the satisfaction of the City Manager and the Housing Commission.

15. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5), to the satisfaction of the City Manager and the Housing Commission.

INFORMATION ONLY:

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the Planning Commission of the City of San Diego on August 30, 2007, by Resolution No. _____-PC.

PLANNING COMMISSION
RESOLUTION NO. – _____-PC
COASTAL DEVELOPMENT PERMIT NO. 457937
1244 OLIVER TENTATIVE MAP – PROJECT NO. 81316

WHEREAS, William G. Clarke and Joanne E. Clarke, Co-Trustees of Clarke Trust, Owner/Permittee, filed an application with the City of San Diego to divide an existing two-story, apartment complex with nine dwelling unit apartments into nine residential condominium units (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 457937, on portions of a 0.143-acre property;

WHEREAS, the project site is located at 1244 Oliver Street, in the RM-1-1 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limitation Overlay Zone, and within the Pacific Beach Community Planning Area;

WHEREAS, the project site is legally described as Lots 29 and 30, Block 289, Pacific Beach Subdivision of AC Lots 67, 68, 76, 77, 80 and 81, Map TR No. 946.

WHEREAS, on August 30, 2007, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 457937, pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated August 30, 2007.

FINDINGS:

Coastal Development Permit - Section 126.0708

- 1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan; and**

The 0.143-acre project site is currently developed with an existing apartment complex which includes nine residential apartment units. The development proposes to divide the existing nine dwelling units into residential condominiums and is located approximately five blocks from the coastline. The proposed development is existing and is contained within the existing legal lot area, which will not encroach upon any existing or proposed physical access to the coast. The project site is not located on or adjacent to an identified visual access corridor as identified within the Pacific Beach Local Coastal Program. The project site is situated along Oliver Street, within a developed multi family residential neighborhood. The proposed division into condominiums met the development setbacks

and height limit required at the time it was built and the proposed structure will not block any identified visual corridor.

2. The proposed coastal development will not adversely affect environmentally sensitive lands; and

The 0.143-acre project site is currently developed with an nine dwelling unit apartment complex and does not contain environmentally sensitive lands. The environmental review, determined that the project would not have a significant environmental effect on environmentally sensitive lands and was found to be exempt from environmental review under CEQA Guidelines. The project does not propose any grading on any portion of the property and does not propose any encroachment into Environmentally Sensitive Lands.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program; and

The proposed division of the existing apartment complex with nine dwelling units into condominium units is located on a site which has a Multi-Family Residential land use designation. During environmental review, it was determined that the project was exempt under the CEQA Guidelines. The project design was also determined to be in compliance with all of the applicable development regulations at the time it was constructed. Due to these factors the proposed condominium conversion was found to be in compliance with the City of San Diego adopted Pacific Beach Community Plan and the Progress Guide and General Plan and the certified Local Coastal Program Land Use Plan.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The 0.143-acre site, currently developed with an existing apartment complex that includes nine dwelling units, is located within a well developed multi family residential neighborhood. The project site is not located between the first public road and the sea or coastline. Development of the project will be fully within the private property. The project site is approximately five blocks away from the Pacific Ocean. There is no identified public access and public recreation area on or adjacent to the project site and these stated resources will not be impaired by the development of this site. The proposed condominium conversion project is designed to take access off the existing public alley and public street, with all ten existing off street parking spaces off the alley and street. The existing character and pedestrian design of the street will remain unaltered.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development Permit No. 457937, is hereby GRANTED by the Planning

Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 457937, a copy of which is attached hereto and made a part hereof.

Glenn R. Gargas
Development Project Manager
Development Services

Adopted on: August 30, 2007

Job Order No. 42-5094

cc: Legislative Recorder, Planning Department

PLANNING COMMISSION RESOLUTION NO. ____ -PC
TENTATIVE MAP NO. 161391
1244 OLIVER TENTATIVE MAP - PROJECT NO. 81316

WHEREAS, WILLIAM G. CLARKE FAMILY TRUST, Applicant/Subdivider, and SAN DIEGO LAND SURVEYING AND ENGINEERING, INC., Engineer, submitted an application with the City of San Diego for a Tentative Map, No. 161391, for the conversion of an existing, two-story, nine (9) residential dwelling unit apartment complex into condominiums and to waive the requirement to underground existing overhead utilities. The project site is located at 1244 Oliver Avenue, on the north side of Oliver Avenue and east of Everts Street, and is legally described as Lots 29 and 30, Block 289, Pacific Beach Subdivision of AC Lots 67, 68, 76, 77, 80 & 81, Map TR No. 946, in the RM-1-1 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone and within the Pacific Beach Community Plan Area; and

WHEREAS, the Map proposes the subdivision of a 0.143 acre site into one (1) lot for a nine (9) unit residential condominium conversion; and

WHEREAS, the project is exempt from environmental review pursuant to Article 19, Section 15301(k) of the California Environmental Quality Act (CEQA) on the basis that the facilities are existing; and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineering pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and is filed pursuant to the Subdivision Map Act. The total number of condominium units is nine (9) residential dwelling units; and

WHEREAS, on August 30, 2007, the PLANNING COMMISSION of the City of San Diego considered Tentative Map No. 161391, including the waiver of the requirement to underground existing overhead utilities, and pursuant to Sections 125.0440, 125.0444, and 144.0240 of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the PLANNING COMMISSION having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the PLANNING COMMISSION of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 161391:

1. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).

2. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).
3. Each of the tenants of the proposed condominium project has received, pursuant to State Map Action Section 66452.9, written notification of intention to convert at least 60 days prior to the filing of a tentative map (Land Development Code 125.0444 and State Map Act Section 66427.1(a)).
4. The project has been conditioned that the Subdivider will give each tenant and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).
5. The project has been conditioned that the Subdivider will give each tenant 10 days' written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate, and that such report will be available on request (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).
6. The project has been conditioned that the Subdivider will give each tenant of the proposed condominium project written notification within 10 days of approval of a final map for the proposed conversion (Land Development Code Section 125.0444 and State Map Act Section 66427.1(b)). If the subdivider chooses to provide affordable housing units, the subdivider shall enter into an affordable housing agreement with the Housing Commission, prior to recordation of the Final Map.
7. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project 180 days' written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion (Land Development Code Section 125.0444 and State Map Act Section 66427.1(c)).
8. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right (Land Development Code Section 125.0444 and State Map Act Section 66427.1(d)).

9. The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing (Land Development Code Section 125.0444.b).
10. For any project that was developed to provide housing for the elderly, disabled or to provide low income housing, provisions have been made to perpetuate the use for which the project was developed (Land Development Code Section 125.0444.c).
11. Each of the tenants of the proposed condominium project has received written notification of the project application for the condominium conversion at least 10 days after the application was deemed complete (Land Development Code 125.0431(a)(3)).
12. The project has been conditioned that the subdivider will give each person applying for the rental of a unit in such residential real property written notification that the project application for the condominium conversion was deemed complete (Land Development Code 125.0431(a)(3)).
13. The project has been conditioned that the subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).
14. The project has been conditioned that the subdivider will provide a relocation assistance payment to all tenants of the project whose tenancy has terminated due to the condominium conversion. (Land Development Code Section 144.0505).
15. The project has been conditioned for the subdivider to satisfy the inclusionary housing requirements in accordance with Land Development Code Section 142.1306. (Land Development Code Section 144.0508).
16. The requested underground waiver of the existing overhead facilities, qualifies under the guidelines of Council Policy No. 600-25 *Underground Conversion of Utility Lines at Developers Expense* in that:
 - A. The conversion involves a short span of overhead facility (less than 600 feet in length).
 - B. The conversion is a requirement of a condominium conversion of an existing development and the conversion would not represent a logical extension to an underground facility.
17. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that, based on the Findings hereinbefore adopted by the PLANNING COMMISSION, Tentative Map No. 161391, including the waiver of the requirement to underground existing overhead utilities, is hereby granted to William G. Clarke Family Trust, Applicant/Subdivider, subject to the following conditions:

GENERAL

1. This Tentative Map will expire September 13, 2010.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the Tentative Map expiration date, a Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder.
4. The Final Map shall conform to the provisions of Coastal Development Permit No. 457937.
5. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant
6. The subdivider shall provide a Notice of Tenants Rights and Notices for Condominium Conversion, consistent with the Land Development Manual to be provided as follows:

- a. For existing tenants, within 10 days of the project application for the *condominium conversion* being deemed complete; or
 - b. For prospective tenants, upon application for the rental of a unit in the proposed *condominium conversion*.
7. The Subdivider shall provide each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act.
8. The Subdivider shall provide the tenants a Notice of Application for a Public Report at least 10 days prior to the submittal to the Department of Real Estate (DRB), pursuant to Section 66427.1(a) of the Subdivision Map Act.
9. The Subdivider shall provide each of the tenants of the proposed condominiums written notice of intention to convert at least 180 days prior to termination of tenancy due to the conversion or proposed conversion in conformance with Section 66427.1(c) of the Subdivision Map Act. The provisions of this subdivision shall not alter nor abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Sections 1941, 1941.1 and 1941.2 of the Civil Code.
10. The Subdivider shall provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, in conformance with Section 66427.1(d) of the State Map Act. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report, pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.
11. The Subdivider shall provide the tenants of the proposed condominiums with written notification within 10 days or approval of a Final Map for the proposed conversion, in conformance with Section 66427.1(b) of the Subdivision Map Act.
12. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
13. Prior to recordation of the Final Map, all onsite utilities serving the subdivision shall be undergrounded with appropriate permits. The applicant shall provide written confirmation from applicable utilities that the conversion

has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.

14. The Subdivider shall provide each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act.
15. The Subdivider shall provide the tenants a Notice of Application for a Public Report at least 10 days prior to the submittal to the Department of Real Estate (DRB), pursuant to Section 66427.1(a) of the Subdivision Map Act.
16. The Subdivider shall provide each of the tenants of the proposed condominiums written notice of intention to convert at least 180 days prior to termination of tenancy due to the conversion or proposed conversion in conformance with Section 66427.1(c) of the Subdivision Map Act. The provisions of this subdivision shall not alter nor abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Sections 1941, 1941.1 and 1941.2 of the Civil Code.
17. The Subdivider shall provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, in conformance with Section 66427.1(d) of the State Map Act. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report, pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.
18. The Subdivider shall provide the tenants of the proposed condominiums with written notification within 10 days or approval of a Final Map for the proposed conversion, in conformance with Section 66427.1(b) of the Subdivision Map Act.
19. The subdivider will provide to a prospective purchaser a copy of the Building Conditions Report prior to the opening of an escrow account. (Land Development Code Section 144.0504(c)).

AFFORDABLE HOUSING

20. The Housing Commission carried out a tenant income survey pursuant to the City's Coastal Overlay Zone Affordable Housing Replacement Regulations (Municipal Code Sections 143.0810 through 143.0860). The applicant is required to pay an in-lieu fee of \$145,100.00 to the Housing Commission or

provide four replacement studio units for low-income households and one replacement studio unit for moderate-income households.

The applicant shall enter into a Coastal Affordable Housing Compliance Agreement with the Housing Commission prior to the approval of Final Map.

21. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5), to the satisfaction of the City Manager and the Housing Commission.

ENGINEERING

22. The Final Map shall comply with the provisions of Coastal Development Permit No. 457937.
23. The subdivider shall remove the parking stripes from the Oliver Street right-of-way.
24. The subdivider shall repair the damaged areas of the on site parking area off of Oliver Avenue.
25. The subdivider shall repair the damaged areas of the adjacent alley.
26. The subdivider shall ensure that all onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
27. The subdivider shall re-stripe the rear and front parking spaces as shown on the TM.
28. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for building and landscape improvements (Land Development Code Sections 144.0507), to the satisfaction of the City Engineer. The parking requirements in Land Development Code Sections 144.0507 and 142.0525.a do not apply, since this project was deemed complete prior to the effective date of this ordinance (July 27, 2006).

MAPPING

29. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be

the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).

30. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
31. Every Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.
32. The design of the subdivision shall include private easements, if any, serving parcels of land outside the subdivision boundary or such easements must be removed from the title of the subdivided lands prior to filing any parcel or final map encumbered by these easements.

SEWER AND WATER

33. Water and Sewer Requirements:
 - a. The subdivider shall install appropriate private back flow prevention devices on all existing and proposed water services (domestic, irrigation, and fire) adjacent to the project site in a manner satisfactory to the Water Department Director.
 - b. The subdivider shall provide a letter, agreeing to prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.

INFORMATION:

- The approval of this Tentative Map by the Planning Commission of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party, on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within 90 days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SAN DIEGO, CALIFORNIA, ON AUGUST 30, 2007, BY RESOLUTION NO. ____ - PC.

By

Glenn R. Gargas
Development Project Manager
Development Services Department

Job Order No. 42-5094

Rev 3/7/05 dcj

PACIFIC BEACH COMMUNITY PLANNING COMMITTEE
April 26, 2006 Meeting Minutes

Members Present:

| | | | |
|-----------------|-----------------|------------------|--------------------|
| Katie Cooper | Chris Fuller | Jim Lester | Mark Mitchell |
| Jim Morrison | Ben Nicholls | Marcie Beckett | Catherine Strolein |
| Barry Schneider | Kathy Evans | William Heilmann | John Shannon |
| Jenton Price | Carol Blomstrom | Kathy Mateer | |

Call to Order, Quorum, Minutes, and Agenda

The meeting was called to order at 6:30 PM. A quorum was established.

- Motion (C. Strolein/ J. Lester): approve minutes for March 22nd meeting. Motion carried with all in favor.

Residential subcommittee Item number 9, referring to 825 Missouri Street was continued.

- Motion (B. Schneider/ C. Strolein): adopt revised agenda. The motion passed unanimously.

Communications from the Public (non agenda items): None

Government Office Reports

A. Stanley from Council District 2 reported that the Beach Area Community Court hosted its first Impact Panel Volunteer Training on 4/ 25. She reported that the first court session would occur on 5/13. She solicited volunteers. She reported on city activities during the PB Block Party date. She also reported that a community cleanup day would occur on 4/29 and that Councilmember Faulconer would attend. She answered several questions regarding directional painting on the boardwalk and the status of the lifeguard tower.

City Planner- Marlon Pangilinan:

M. Pangilinan reported that a training was occurring for new committee members on 4/29. There was some discussion regarding which committee members had taken the trainings.

Chair's Report – Mark Mitchell:

M. Mitchell conducted the officer elections.

- Motion: (C. Blomstrom/ C. Strolein): Elect M. Mitchell as PBGPC Chair. The motion was endorsed by all members.
- Motion: (C. Blomstrom/ B. Schneider): Elect C. Strolein as PBCPC vice Chair. The motion was endorsed by all.
- Motion: (C. Blomstrom/ K. Mateer): Elect B. Nicholls as Recording Secretary. The motion was endorsed by all.

M. Mitchell reported that anyone interested in appointed positions communicate their interest to him for appointment at the next meeting.

B. Nicholls reported that J. Shannon had not received sufficient votes during the election to be seated. Subsequently another application had been received for that slot.

- Motion (C. Blomstrom/ B. Schneider): To receive J. Shannon's application for vacant residential 80.01 board position. The motion passed with all in favor.

Residential Subcommittee Report – Barry Schneider:

1. 1333 Reed Avenue #85426 CDP to construct a two story garage and workshop.

The subcommittee had expressed a desire that the two structures be tied together stylistically and the group expressed concern that the 'workshop' would become an illegal bedroom over time.

- Motion (B. Schneider/ M. Beckett): approve the project with the condition that the bathroom facilities be limited to those shown in the plan. The motion passed unanimously.

- **2. 1501 Chalcedony Street #90566 CDP and TMW to convert 4 existing residential units to condominiums. &**
- **3. 1509 Chalcedony Street #90571 CDP and TMW to convert 4 existing residential units to condominiums.**

The subcommittee had reported issues regarding providing additional parking. However it was reported by the applicant that adding another parking space within the project would result in the loss of one on the street. The committee's concerns regarding the location of trashcans were pacified when the applicant illustrated the location of a trash enclosures.

- Motion (B. Schneider/ Jim Lester): approve the project providing the trash enclosures illustrated were included. The motion passed (14 /1):.

4. 1117 Feldspar Street #94366 CDP & TM to create 4 residential condominiums under construction. & 5. 1125 Feldspar Street #94859 CDP & TM to create 4 residential condominiums under construction.

The subcommittee expressed a concern about cedar wood fencing.

- Motion (B. Schneider /J. Lester): approve the project with the condition that a three foot iron fence be included as discussed. The motion carried (14 /1):.

6. 1244 Oliver Ave. #81316 CDP and TM to convert 9 existing residential units to condominiums.

The subcommittee discussion had centered on concerns about the trash enclosure.

- Motion (B. Schneider/ J. Lester): approve the project with the stipulation that the trash enclosures be included. The motion carried with all hands in favor.

7. 901 Sapphire Street #84320 CDP and TM to convert 10 existing residential units to condominiums.

The subcommittee reported that the map needed to be updated to illustrate trash enclosures and corrected unit counts.

- Motion (B. Schneider/ C. Strolein): was made to approve the project. The motion carried (14 /1):.

8. 835 Thomas Ave. #84312 CDP and TM to convert 11 existing residential units to condominiums.

The subcommittee reported that the 11th parking space should be reconfigured to better accept access for emergency vehicles and that trash enclosures should be clearly called out.

- Motion (B. Schneider/ J. Lester): was made to approve the project. The motion carried (13 / 2):.

The Residential Subcommittee report concluded.

Commercial Subcommittee report – B. Nicholls

1. 4767 Missouri Street #94959 add 3 wireless antennas and equipment to an existing rooftop penthouse.

The correct address for this project was reported as 4767 Ocean Blvd.

- Motion (B. Nicholls/ C. Blomstrom): Endorse the project. The motion carried (14/1):.

2. 2088 Beryl Street #95949 NUP for two new 30 feet high light standards supporting antennas

The subcommittee reported that a discussion had occurred regarding the proximity of radio towers to a school and whether the tower should be painted to match the surrounding tree or be designed to look like a tree.

- Motion (B. Nicholls/ C. Blomstrom): Endorse the project with the stipulation that the tower simply be painted to look like a tree. The motion carried (10/5):.

3. 4105 Mission Blvd. #41256 CDP to demolish and existing building and construct 18 residential units over commercial (resubmittal):.

M. Beckett reported that the project was moving forward and that input was required for a Negative Mitigated Declaration. She stated that the project would reach the Planning Commission in June. M. Beckett summarized the previous objections to the project.

- Motion (M. Beckett/ C. Blomstrom): "The chair is authorized to send a written response to the NMD for #41256 that will convey previously established concerns of the project and a representative shall be sent to all public hearings to convey the committee position regarding said project ". The motion passed with all in favor.

4. 2830 Grand Ave. #4977 – Convenience Store with application for liquor license.

It was reported that this project was moving forward and that the opinion of the committee was being misrepresented. The previous vote of support for this project had been based on no alcohol use being included. The project now included alcohol sales. A Strolein gave an enthusiastic presentation regarding this project.

- Motion (Jim Lester/ B. Schneider): Reconsider the project. The motion carried with all hands in favor.



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit
☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☐ Conditional Use Permit
☐ Variance ☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment ☐ Other _____

Project Title

1244 Oliver Ave. Condominium Conversion

Project No. For City Use Only

81316

Project Address:

1244 Oliver Ave.

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☒ No

Name of Individual (type or print):

WILLIAM G. CLARKE

☒ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

13945 PROCTOR VALLEY RD.

City/State/Zip:

JAMUL CA. 91935

Phone No:

619 669 1706, 619 669 1315

Signature:

William G. Clarke 7-11-05

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

Name of Individual (type or print):

JOANE E. CLARKE

☒ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

13945 PROCTOR VALLEY RD.

City/State/Zip:

JAMUL CA. 91935

Phone No:

619 669 1706, 619 669 1715

Signature:

Joane E. Clarke 7-11-05

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

NOTE #1 OWNERS ARE CO-TRUSTEES OF THE CLARKE TRUST DATED NOV. 12, 1991

NOTE #2 ALL MAIL SHALL BE SENT TO P.O. BOX 549 JAMUL CA. 91935

**1244 OLIVER TENTATIVE MAP
COASTAL DEVELOPMENT PERMIT & TENTATIVE MAP**

Project No. 81316

Project Chronology

| Date | Action | Description | City Review Time | Applicant Response |
|-----------------------------------|---|--|-----------------------------|-----------------------------|
| 9/28/05 | Applicant submits initial plans/Deemed Complete | Project plans distributed for City staff review. | 1 day | |
| 11/07/05 | First Assessment Letter | First Assessment Letter identifying required approvals and outstanding issues provided to applicant. | 1 Month 9 days | |
| 1/23/06 | Applicant submits second full set of plans. | Applicant's revised set of plans submitted in response to first assessment letter from City staff. | | 3 Months 6 days |
| 03/28/06 | Second Assessment Letter | Second Assessment Letter identifying all remaining/outstanding issues. | 2 Month 5 days | |
| 2/22/07 | Issues resolved | Staff determines project issues resolved, okay Process 4 Planning Commission hearing to proceed. | | 9 Months 24 days |
| 08/30/07 | Planning Commission Hearing | Public Hearing | 6 Month 8 days | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| TOTAL STAFF TIME | | Averaged at 30 days per month | 9 Months 22 Days | |
| TOTAL APPLICANT TIME | | Averaged at 30 days per month | | 13 Months 0 Days |
| TOTAL PROJECT RUNNING TIME | | | 22 Months, 22 Days | |



Good Neighbors

San Diego Housing Commission

ATTACHMENT.12

- 1625 Newton Avenue
- San Diego, California 92113-1038
- 619/578-7580
- FAX: 619/578-7356
- www.sdhc.net

January 30, 2007

Mr. William Clarke
P.O. Box 549
Jamul, CA 91935

SUBJECT: Coastal Affordable Housing Compliance Permit, 1244 Oliver Avenue,
PTS #81316

Dear Mr. Clarke:

The purpose of this letter is to notify you of the Coastal Affordable Housing Compliance Permit Determination for your proposed conversion of nine apartments to condominiums at 1244 Oliver Avenue.

Upon receipt of your application, Housing Commission staff carried out an income survey of the nine units. The tenant income survey identified **four studios occupied by low-income persons and one studio occupied by moderate-income persons.**

Pursuant to the City's Coastal Overlay Zone Affordable Housing Replacement Regulations (Municipal Code Sections 143.0810 through 143.0860), we are notifying you of the results of this tenant income survey and your obligation to provide four studio replacement units with rents affordable to low-income households and one studio unit with rents affordable to moderate-income households for a period of five years. Alternatively, you may pay an in-lieu fee to the Housing Commission.

If you propose to provide replacement units, those units must be acceptable to the Housing Commission, consistent with the Municipal Code sections cited above. Affordable housing costs and affordable rents shall meet the requirements of California Health and Safety Code Sections 50052.5 and 50053.

If you propose instead to pay an in-lieu fee, your obligation under the current in-lieu fee schedule would be as follows:

| Unit Size | Income Category | Number of Replacement Units | In-Lieu Fee | Total |
|--------------|-----------------|-----------------------------|-------------|------------------|
| Studio | Low-income | 4 | \$31,100 | \$124,400 |
| Studio | Moderate-Income | 1 | \$20,700 | \$20,700 |
| TOTAL | | 5 | | \$145,100 |

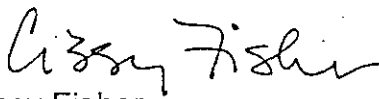


Mr. William Clarke
January 30, 2007
Page 2

Please note that the in-lieu fee schedule is subject to change, and the amount you would be required to pay will depend on the fee schedule in place at the time the Coastal in-lieu fee is due and payable.

When you have decided whether to provide replacement units or to pay the in-lieu fee, please notify Ms. Ann Kern of your decision **in writing**. She can be reached at 619-578-7582 or via e-mail at annk@sdhc.org

Sincerely,

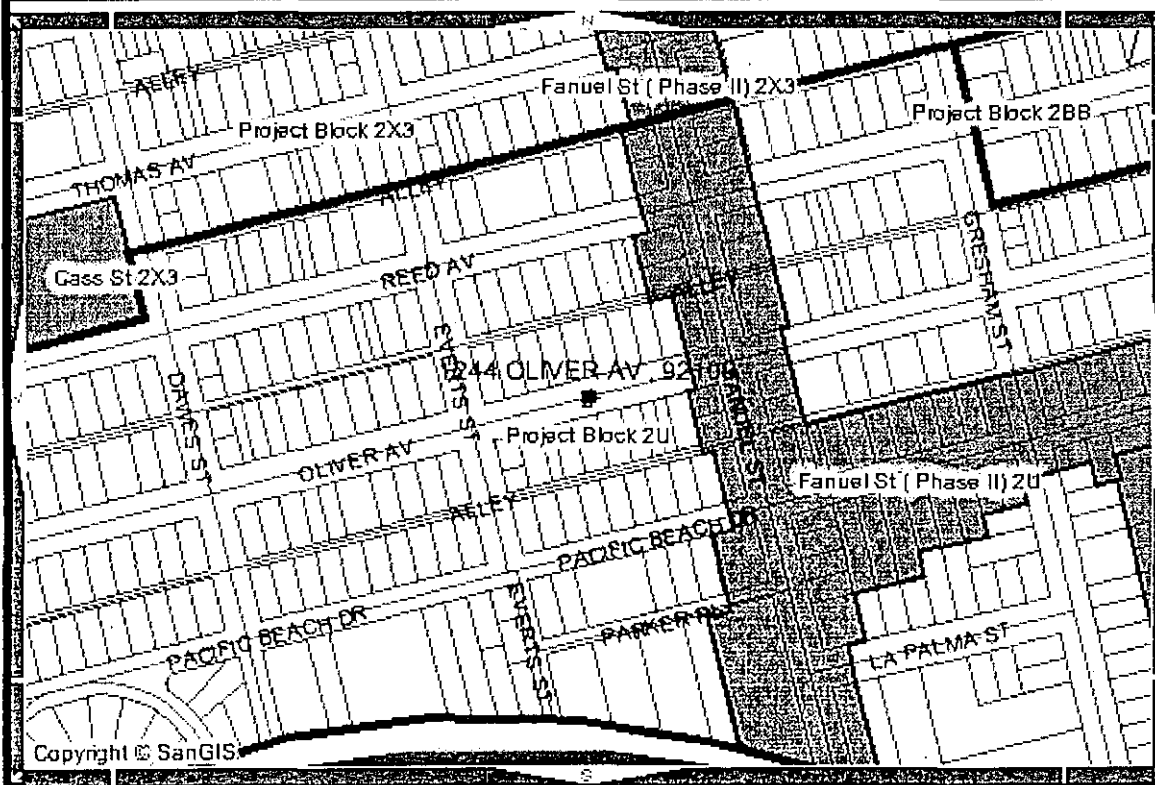


Cissy Fisher
Director, Housing Finance & Development

c: Ann Kern, San Diego Housing Commission
Glenn Gargas, City of San Diego Development Services, MS501
Robert Bateman, San Diego Land Surveying & Engineering

g:\hfshare\coastal\1244 Oliver Avenue \1244 Oliver Determination Ltr

Utilities Undergrounding Mapping Application



Identify Results

Council Districts

Council District: 2

Member Name: Kevin Faulconer

Office Phone: (619) 236-6622

Utilities Undergrounding

Projects

Project Name: Project Block 2U

Year Allocated: 2045

Project Start: May 31, 2047

Project End: May 30, 2049

Contact Person: Carol Drummond

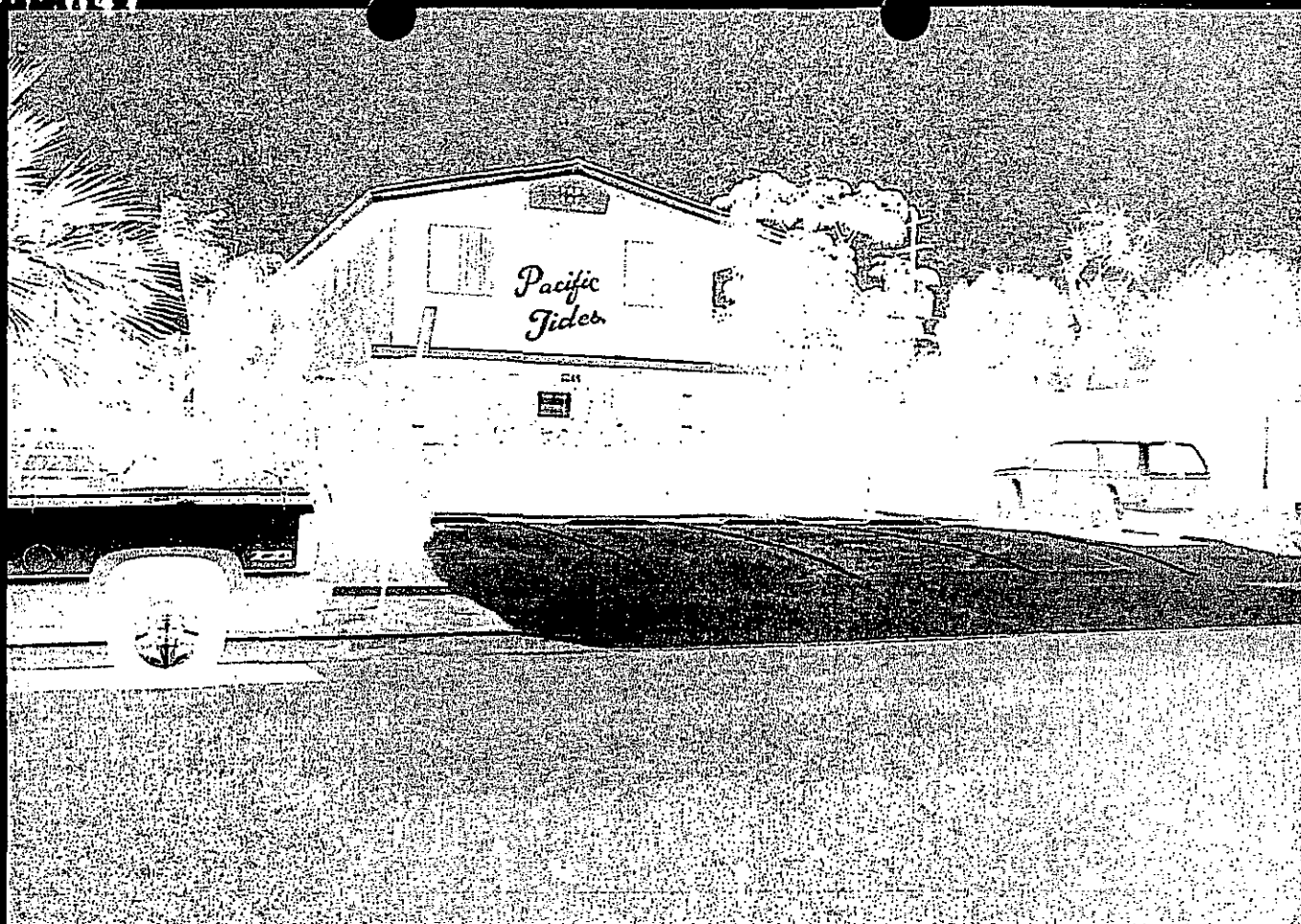
Phone #: 6195333841

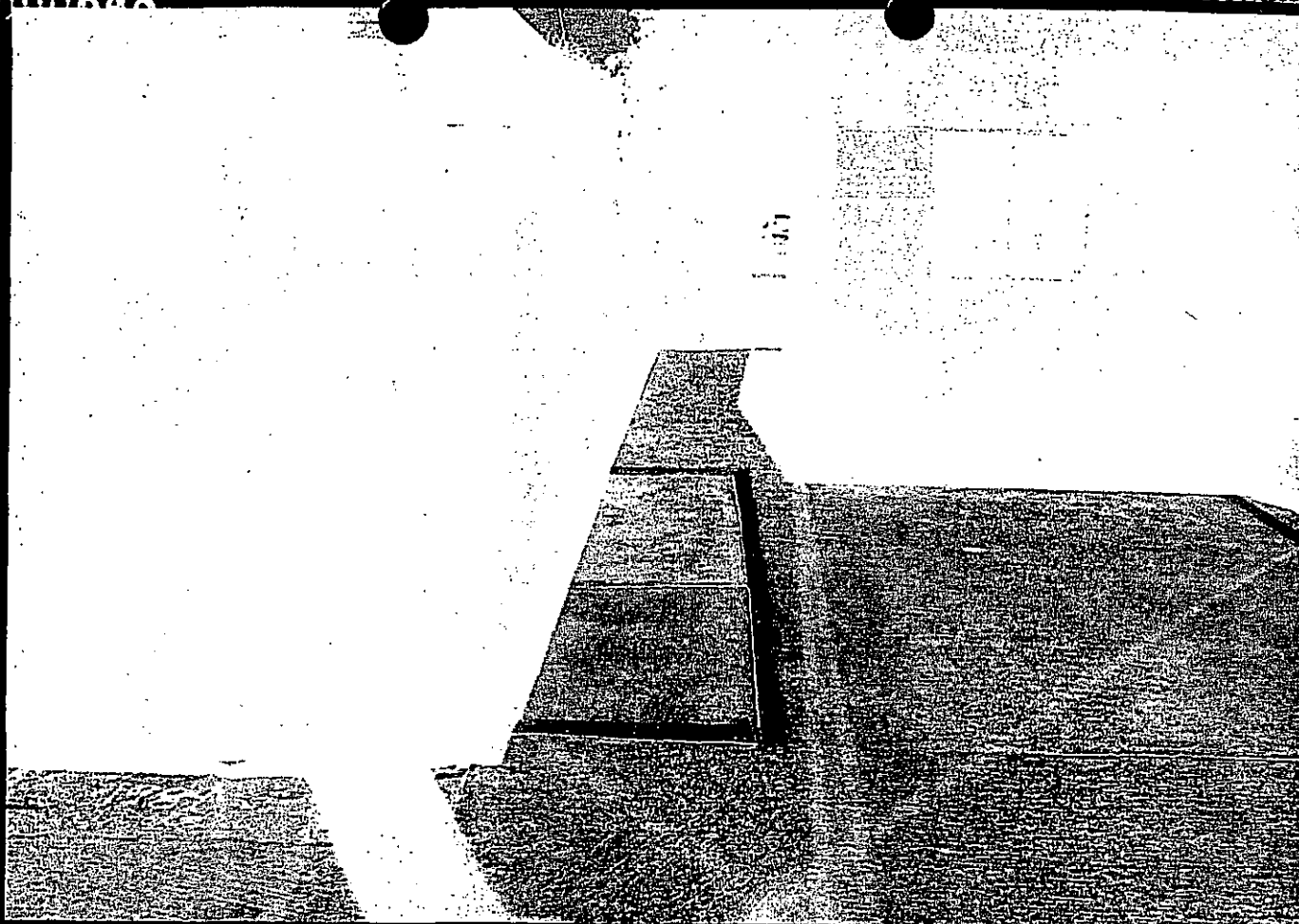
Email: undergrounding@sa

Website: www.sandiego.gov

Council District: 2

Phase: unallocated





7



8



**Building Condition Report
Analysis and Executive Summary
July 10, 2007
Version 1**

The subject property is a residential complex located at 1244 Oliver San Diego, Ca 92109. The development consists of one, two level building with nine total living units, and nine marked uncovered.

This report consists of three sections, the analysis and executive summary section, the licensed building inspectors detailed findings and photographs and the structural engineers report and findings.

Detailed inspections and reports were performed by Edward J. Vargas, State of California Registered Professional Engineer, C41205, and Mike Goodrich State Of Arizona Certified Inspector, Certified Termite Inspector and Certified Residential Mold Inspector.

Every attempt has been made to ensure that the inspection and this report comply with the City Of San Diego Condominium Conversion Process Building Condition Report Ordinance. All units were inspected.

Executive Summary

The buildings, systems and grounds in this development are aged, and have some deferred maintenance. Some system upgrades are warranted but in general the development is in satisfactory condition. This development can easily be rehabilitated and converted to condominiums/living units consistent with the neighborhood's general construction quality, amenities and architectural style.



Integral Building Components Health And Safety Code Analysis

Foundation And Structure:

The buildings foundations and structures are aged but in good condition relative to their age. The lateral and vertical support members are in adequate condition.

The buildings stairs, railings, baluster, and banisters are in satisfactory condition.

Walls And Exterior Components:

Walls and exterior components are generally in satisfactory condition with normal stucco maintenance, termite damage and wood rot repairs needed.

Windows:

All windows are functional and provide adequate fire egress in sleeping areas. The windows are aged and loose in their frames replacement for age is recommended. This building uses single pane aluminum frame windows which do not meet Title 24 energy efficiency standards for this zone. All windows should be replaced with insulated dual pane windows as part of the conversion plan.

Roofs:

The roof covering is asphalt shingle roofing material. The roofing material have an apparent age of 5 years old.

With normal maintenance the roof will have a life expectancy greater than five years.

Electrical:

The electrical system does not make complete use of currently accepted safety components (GFCIs and AFCIs). The electrical system should be upgraded to include appropriate use of currently approved electrical distribution safety devices (GFCI outlets and AFCI breakers) in all locations currently required by municipal building codes. The main building is supplied by one 100 amp service and each unit has a 35 amp service. The 35 amp services will be undersized for the needs of upgraded condominiums, and will need to be upgraded to 60 to 100 amp services (depending on planned unit amenities). The upgrades to the unit service rating will require upgrades to the sizing of the 100 amp main service to the complex.

The building and living units do not meet current municipal residential building guidelines in regards to number, location, interconnection and installation of smoke detectors. Smoke detector system upgrades are required.

**Plumbing:**

The natural gas supply system does not include emergency manual or automatic seismic shutoff valves. As a minimum a manual emergency seismic shutoff valve/wrench should be installed.

The water supply plumbing is copper and appears to be in adequate condition.

Mechanical:

Living units are not equipped with cooling systems.

Living units are equipped with approximately 10 year old gas wall furnaces which were in satisfactory condition at the time of the inspection. These units will have a remaining useful life in excess of five years with normal maintenance..

Paving And Drainage:

Concrete drives are in adequate condition. Drives need to be patched and resurfaced. Walks are worn and in need of resurfacing along with some repairs for safety. With repairs, crack patching, sealing and resurfacing the concrete drives and walks will have a remaining useful in excess of five years.

Parking And Recreational Facilities Analysis:

Landscaping is consistent with the neighborhood. Ten (10) marked uncovered spaces are provided at the North and South ends of the building. No recreational facilities are provided.

Energy Efficiency Standards Compliance Analysis:

Due to the age and construction style using non-invasive inspection techniques it was impossible to determine certain aspects of energy efficiency (wall insulation R factor for example). Windows do not currently meet the Title 24 energy efficiency standards for the zone. There is no attic insulation. The following recommendations are made:

1. Windows should be replaced with windows meeting Title 24 energy efficiency standards for this zone.
2. Insulation and a vapor barrier should be added to the attic consistent with current municipal standards.



Integral Building Components Remaining Useful Life Analysis:

Roofs:

The main roof is approximately five years old. With normal maintenance the roof will have a remaining useful life in excess of five years. .

Water Heating:

Water heating is provided by a common 75 gallon gas water heater. The water heater is fifteen years old. Normal water heater life expectancy is 8 to 12 years. The water heater will need to be replaced to obtain a useful life in excess of five years

Cooling And Heating Mechanical:

The natural convection gas wall furnaces are approximately then years old and have a remaining useful life in excess of five years.

Exterior Floor Coatings:

Exterior walks, balconies and stair treads are finished concrete. Exterior concrete is in a worn condition but with minor crack filling and resurfacing the exterior floor coatings will have a remaining useful life in excess of five (5) years.

Foundation And Structure:

The buildings foundations and structures are aged but in good condition relative to their age. The lateral and vertical support members are in adequate condition. The buildings stairs, railings, baluster, and banisters are in satisfactory condition. All these components have a remaining useful life well in excess of five years.

Disabled Access Analysis:

No provisions for disabled access are currently available in this project. No ADA parking spaces are provided.

Sound Transmission Analysis:

This building does not meet the current municipal sound transmission standards.



Actions To Ensure Safe And Efficient Operation Of Plumbing, Heating, Electrical and Roofing Systems:

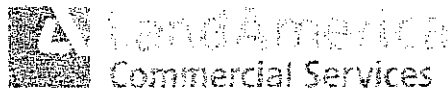
Developer intends to take the following actions in regards to the future safe and

efficient operation of these important major building systems:

1. Upgrade electrical system to include installation of GFCIs and AFCIs in all required locations.
2. Upgrade unit and complex electrical services to meet the needs of modern condominium appliances.
3. Smoke detectors will be upgraded and installed consistent with current municipal residential building guidelines. This includes 120VAC, battery backed up and interconnected with all other smoke detectors in the building.
4. A manual seismic emergency shutoff will be installed in the natural gas supply system.
5. Aged water heater pump will be replaced.
6. Windows will be replaced with dual pane insulated windows..

Proposed Structural Changes And Cosmetic Improvements:

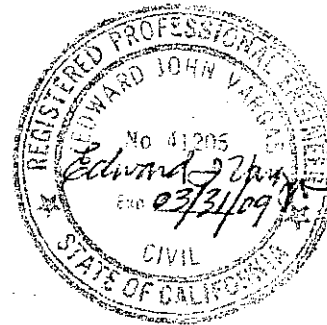
There are no planned general structural or façade enhancements.

**Report Approval:**

Executive Summary, Structural Report And Detailed Inspection Report
Reviewed And Approved:

Edward J. Vargas

Edward J. Vargas
President Vargas Engineers
State Of California Licensed P.E. C41205



Michael P. Goodrich
Professional Associate
LandAmerica Assessment Corporation
ASHI Certified Home Inspector
State Of Arizona Certified Home Inspector
State Of Arizona Certified Wood Destroying Insect Inspector
IESO Certified Residential Mold Inspector

000655

335
1/29

City of San Diego
Development Services
1222 First Ave. 3rd Floor
San Diego, CA 92101
(619) 446-5210

RECEIVED

Development Permit/ Environmental Determination Appeal Application

FORM

DS-3031

MARCH 2007

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

- ☐ Process Two Decision - Appeal to Planning Commission
☒ Process Three Decision - Appeal to Planning Commission
☒ Process Four Decision - Appeal to City Council
- ☐ Environmental Determination - Appeal to City Council
☐ Appeal of a Hearing Officer Decision to revoke a permit.

2. Appellant Please check one ☐ Applicant ☐ Officially recognized Planning Committee ☒ "Interested Person" (Per M.C. Sec. 113.0103)

Name

Robert J. Bateman, San Diego Land Surveying & Engineering, Inc.

Address 9665 Chesapeake Dr., Suite 445 City San Diego State CA Zip Code 92123 Telephone 858-565-8362 ext. 101

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

William G. Clarke

4. Project Information

| | | |
|--|---|---------------------------------------|
| Permit/Environmental Determination & Permit/Document No.: PTS NO. 81316 | Date of Decision/Determination: September 27, 2007 | City Project Manager: Glenn Gargas |
|--|---|---------------------------------------|

Decision (describe the permit/approval decision):

Approved by Planning Commission

5. Grounds for Appeal (Please check all that apply)

- ☐ Factual Error (Process Three and Four decisions only)
☒ Conflict with other matters (Process Three and Four decisions only)
☒ Findings Not Supported (Process Three and Four decisions only)
- ☐ New Information (Process Three and Four decisions only)
☐ City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

This project was deemed complete in September of 2005

Requirements for Building Condition Reports, Landscaping Plans and Mandatory Private Improvements prior to Final Map

approval were not required or anticipated. Owner has plans to hold the property long-term and does not wish to evict

tenants to complete work for Final Map approval within 6 years.

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature: Robert J. Bateman Date: 10-11-07

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services.
 Upon request, this information is available in alternative formats for persons with disabilities.

DS-3031(03-07)

EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: August 23, 2007 REPORT NO.: PC-07-094
ATTENTION: Council President and City Council
ORIGINATING DEPARTMENT: Development Services Department
SUBJECT: 1244 Oliver Tentative Map, PTS No. 81316
COUNCIL DISTRICT: 2
STAFF CONTACT: Glenn Gargas, 446-5142, ggargas@sandiego.gov

REQUESTED ACTION:

Appeal of the Planning Commission's decision to approve a Coastal Development Permit, Tentative Map and waiver from the requirement to underground existing overhead utilities to convert nine existing apartments to condominiums at 1244 Oliver Avenue within the Pacific Beach Community Plan area. The applicant is appealing the Tentative Map condition requiring that the physical improvements recommended in the Building Conditions Report be completed prior to the Final Map.

STAFF RECOMMENDATION:

Deny the appeal and approve Coastal Development Permit No. 457937, Tentative Map No. 254536 and waive requirement to underground existing overhead utilities, with the current Tentative Map conditions requiring implementation of the Building Conditions Report and Landscape Concept Plan, prior to recordation of the of the Final Map.

EXECUTIVE SUMMARY:

The application for a Coastal Development Permit, Tentative Map and waiver from the requirement to underground existing overhead utilities was deemed complete on September 28, 2005. At that time, the condominium conversion regulations did not require a Building Conditions Report or landscape improvements. The environmental determination for this project was made on October 11, 2005, and the opportunity to appeal that determination expired on October 25, 2005.

This project's environmental determination was not appealed and thus the new condominium conversion regulations approved by City Council on July 5, 2006, which became effective in the Coastal Zone on June 14, 2007, are applicable to this project. In accordance with the current regulations, the applicant provided a Building Conditions Report and Landscape Concept Plan. Both of these documents have been reviewed for conformance with the applicable regulations within the Land Development Code (Chapter 14, Article 4, Division 5), and have been accepted by staff as conforming to the regulations.

On September 27, 2007, (Continued from August 30, 2007) the Planning Commission approved the project with a condition (condition No. 28 of the Tentative Map, Attachment 8, page 7 of the Planning Commission Report) requiring building and landscape improvements which are required to be completed prior to recordation of the Final Map. The appellant is objecting to this condition for the following reasons as stated in their appeal with staff responses in italics;

- 1) The project was deemed complete in September of 2005.

That statement is true. However, the Condominium Conversion regulations were amended by City Council on July 5, 2006, which became effective in the Coastal Zone on June 14, 2007, making the new requirements applicable to this project.

- 2) Requirements for Building Conditions Reports, Landscaping Plans and Mandatory Improvements prior to Final Map approval were not required or anticipated.

That statement was true at the time this project was deemed complete. However, the amendment to the Condominium Conversion regulations added those requirements.

- 3) Owner has plans to hold the property long-term and does not wish to evict tenants to complete work for Final Map approval within three years.

How the physical improvements are phased or completed is the responsibility and prerogative of the property owner, provided that the owner complies with Tenants rights under the law and the criteria established by the San Diego Housing Commission. With physical improvements and or building maintenance to any building with existing tenants there will almost always be some degree of inconvenience to the tenants.

City staff's recommendation is to deny the appeal and approve the project with the approved Tentative Map conditions.

FISCAL CONSIDERATIONS:

All costs associated with the processing of this project are paid by the applicant.


COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On September 27, 2007, the Planning Commission voted 5-1-0 to approve the project with added conditions.


On April 26, 2006, the Pacific Beach Community Planning Group voted 15-0-0 to approve the project.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Owner and Applicant William G. Clarke and Joanne E. Clarke, Co-Trustees of the Clarke Trust and the property's tenants.



Kelly Broughton
Director
Development Services Department



William Anderson
Deputy Chief of Land Use and
Economic Development

ATTACHMENTS:

1. Planning Commission Report PC-07-095



000659

THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: August 23, 2007 **REPORT NO.** PC-07-094

ATTENTION: Planning Commission, Agenda of August 30, 2007

SUBJECT: 1244 OLIVER TENTATIVE MAP - PROJECT NO. 81316. PROCESS 4

**OWNER/
APPLICANT:** Mr. William G. Clarke Family Trust

SUMMARY

Issue(s): Should the Planning Commission approve a Coastal Development Permit and Tentative Map to convert nine existing apartment units into residential condominiums located at 1244 Oliver Avenue, with a request to waive the requirement to underground existing overhead utilities?

Staff Recommendation:

1. APPROVE Coastal Development Permit No. 457937; and
2. APPROVE Tentative Map No. 254536 and the request to waive the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: On April 26, 2006, the Pacific Beach Community Planning Committee voted 15-0-0 to recommend approval of the proposed project with a stipulation that a new trash enclosure be added to the site.

Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, 15301 (k), as "Existing Facilities". This project is not pending an appeal of the environmental determination. The exemption determination for this project was made on October 11, 2005; and the opportunity to appeal that determination ended on October 25, 2005.

Fiscal Impact Statement: All costs associated with processing of this application are paid for by the applicant.



Code Enforcement Impact: None.

Housing Impact Statement: The proposed project is the conversion of nine existing apartment units into condominiums. There would be a loss of nine rental units and a gain of nine for-sale units. This Tentative Map project is required to comply with the inclusionary housing requirements and tenant relocation assistance program, which are conditions of the proposed Tentative Map (Attachment 8).

BACKGROUND

The 6,245 square foot site is located at 1244 Oliver Avenue in the RM-1-1 Zone, Coastal Overlay Zone (non-appealable) and Coastal Height Overlay Zone. The development is located on two parcels and designated Multi-Family Residential by, and located within, the Pacific Beach Community Plan area (Attachment 2). The surrounding area is developed with multi-family and some intermittent single family development. The proposed subdivision constitutes, by definition, Coastal Development, which pursuant to the Land Development Code (Section 126.0702) requires a Coastal Development Permit. A Tentative Map is required, by the Land Development Code (Section 125.0410), for the proposed division of the property into nine residential condominium dwelling units.

The existing development is a two-story, nine dwelling unit apartment building that was constructed in 1958. At the time the property was developed the approved construction met all the current regulations. The apartment building includes eight, studio units and one, one-bedroom unit, ranging in size from approximately 400 square feet to 690 square feet each. The original development provided ten parking spaces, five accessible from Oliver Avenue and five accessible from the alley to the north.

No Building or Zoning Code violations are recorded against the property. The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. If this property was undeveloped today, under the current RM-1-1 Zone development regulations, up to two residential dwelling units could be developed.

DISCUSSION

Project Description:

The project proposes to convert the existing residential complex, of nine residential apartments, into nine residential condominium dwelling units. Utilities are located above ground in the right-of-way of the alley at the rear of the property, north of Oliver Avenue and east of Everts Street. The apartment building was constructed in 1958 and consists of a two-story, concrete, wood siding and brick veneer. The project has a total of ten off-street parking spaces, five accessible from Oliver Avenue and five accessible from the alley. During the project's review, City Staff determined that the existing structure was in conformance with the development codes in effect at the time of construction.

Undergrounding Waiver Request:

The project site is located in Block 2-U of the City's Undergrounding Master Plan and is scheduled for undergrounding to start May 31, 2047 (Attachment 13). San Diego Municipal Code Section 144.0240, allows the subdivider to apply for a waiver of the requirement to underground the existing overhead utilities within the boundary of the subdivision, or within the abutting public rights-of-way. City staff has determined the undergrounding waiver request qualifies under the Guidelines of Council Policy 600-25, *Undergrounding Conversion of Utility Lines at the Developers Expense*, in that it involves a short span of under 600-feet, would not represent a logical extension to an undergrounding facility and is a condominium conversion application. The applicant would be required to underground any new service run to any new or proposed structures within the subdivision and all onsite utilities serving the subdivision will be undergrounded as a condition of the Tentative Map (Attachment 8). If the requested waiver of undergrounding is not approved, the applicant would have to add one additional power pole, at the north west corner of the property along the alley.

Project-Related Issues:

All condominium conversion projects deemed complete on or after February 7, 2004, must conform to the regulations regarding Inclusionary Housing, Coastal Affordable Housing and Tenant Relocation Benefits adopted by the City Council on March 15, 2004. Conditions Nos. 11, and 12 of the draft Tentative Map Resolution (Attachment 8) require compliance with this ordinance. In order to meet this requirement the applicant has elected to pay the in-lieu fee for Coastal Affordable Housing, which is calculated to be \$145,100.00.

Building Conditions Report and Landscape Plan Requirements:

In accordance with the current regulations, the applicant provided a Building Conditions Report and Landscape Concept Plan. Both of these documents have been reviewed for conformance with the applicable regulations within the Land Development Code (Chapter 14, Article 4, Division 5) and have been accepted by staff as conforming with the regulations (Attachment 15).

Conclusion:

A Coastal Development Permit, Tentative Map and Waiver of Undergrounding for a Condominium Conversion are a Process Four, Planning Commission decision pursuant to San Diego Municipal Code Sections 126.045 and 125.0430. A Tentative Map for Condominium Conversion may be approved if the decision maker finds that the proposed division of land complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed condominium conversion and found it to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps and land use policies. Staff has determined that the required findings can be made as the project meets the applicable San Diego Municipal Code regulations and requirements. Staff recommends approval of the project as proposed.

The project site is located within the Coastal Overlay Zone and recently became subject to new

condominium conversion regulations adopted by the City Council on June 13, 2006, when the California Coastal Commission certified them on June 14, 2007.

ALTERNATIVES

1. Approve Coastal Development Permit No. 457937 and Tentative Map with Waiver of Undergrounding No. 254536, with modifications.
2. Deny Coastal Development Permit No. 457937 and Tentative Map with Waiver of Undergrounding No. 254536, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,


Mike Westlake
Program Manager
Development Services Department
Glenn Gargas
Project Manager
Development Services Department

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plan/Tentative Map
6. Draft CDP Permit
7. Draft CDP Resolution
8. Draft Tentative Map Conditions and Subdivision Resolution
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Project Chronology
12. Housing Commission Letter - Coastal Affordable Housing Compliance
13. Proposed Undergrounding of Overhead Utilities
14. Photos of Existing Front and Rear Elevations
15. Building Conditions Report

000663

2. Planning Commission Meeting Minutes (September 27, 2007)
3. Building Conditions Report, dated July 10, 2007
4. Determination of CEQA
5. Appeal to the City Council, dated October 11, 2007

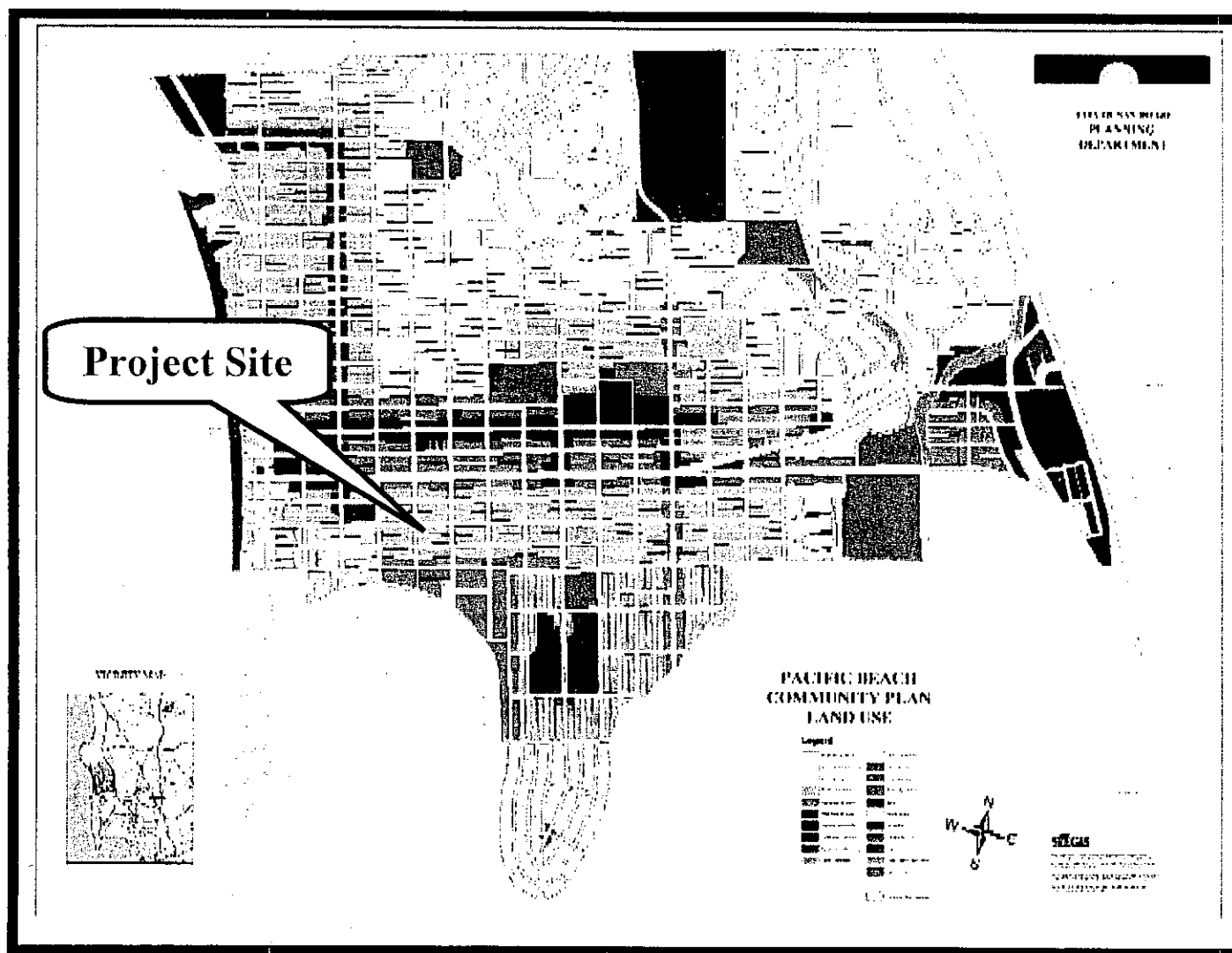


Aerial Photo

1244 OLIVER TENTATIVE MAP - 1244 OLIVER AVENUE

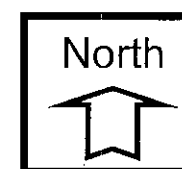
PROJECT NO. 81316

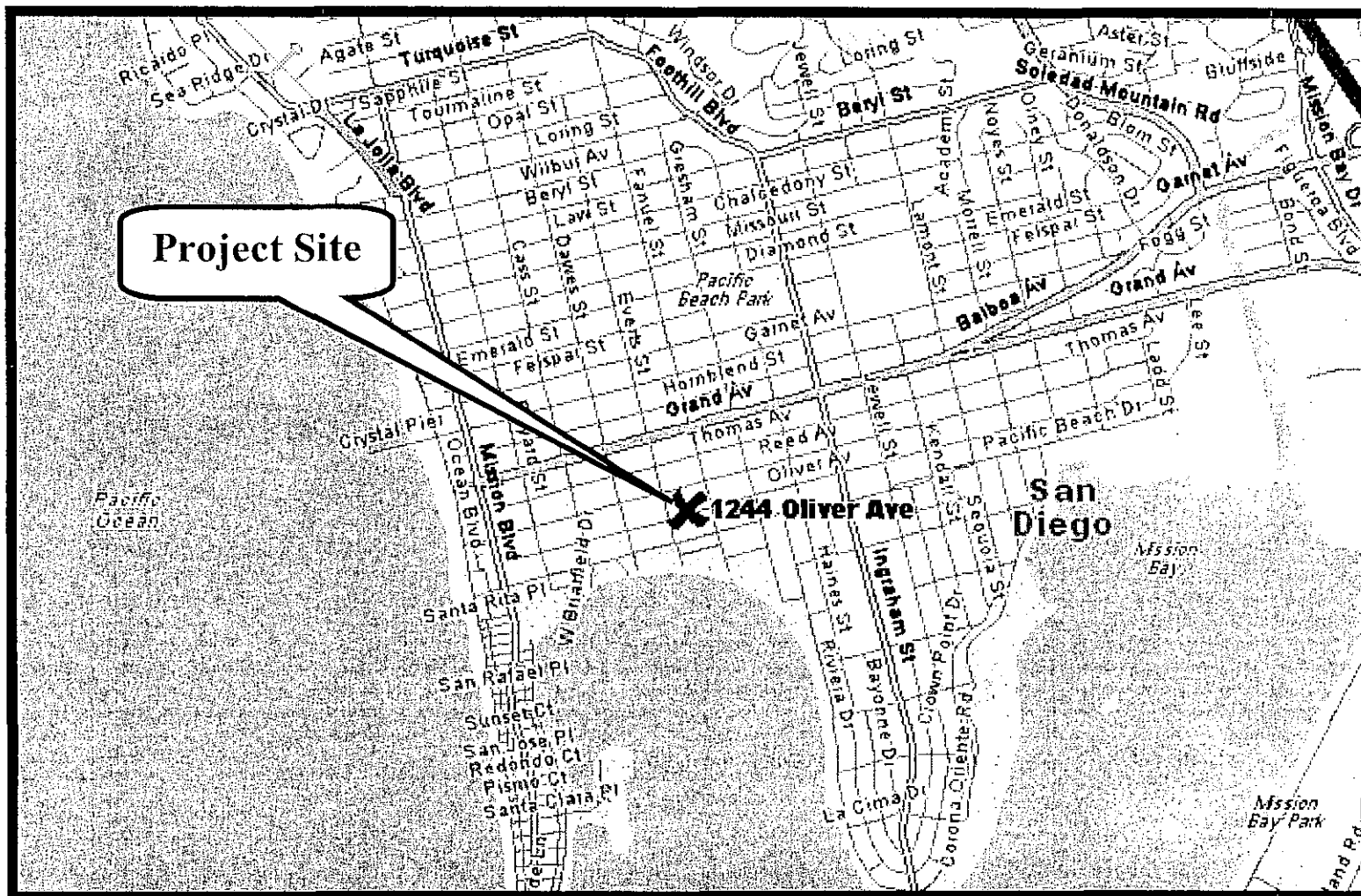




Land Use Map

1244 OLIVER TENTATIVE MAP -- 1244 OLIVER AVENUE

PROJECT NO. 81316 – PACIFIC BEACH CPG



Project Location Map

1244 OLIVER TENTATIVE MAP – 1244 OLIVER AVENUE
PROJECT NO. 81316



000667

PROJECT DATA SHEET

FOR CONDOMINIUM CONVERSIONS

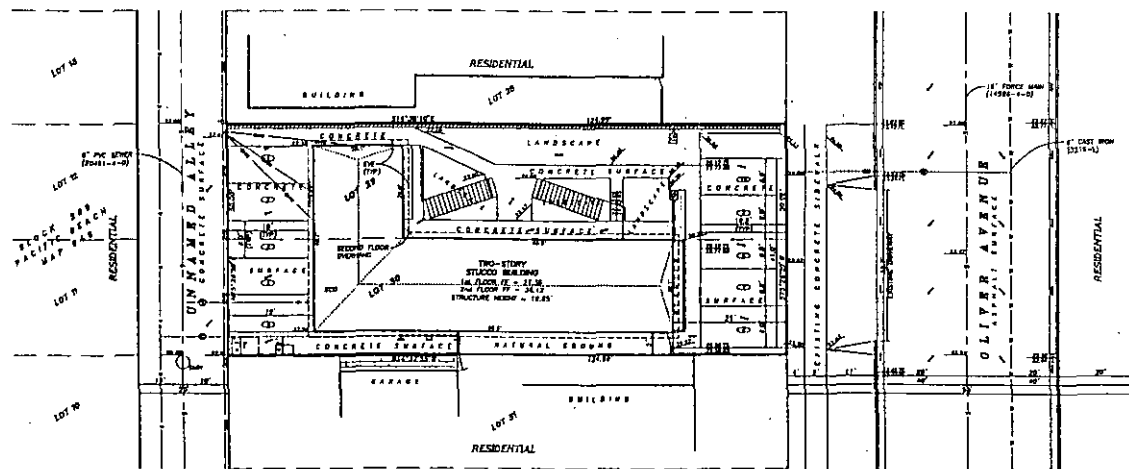
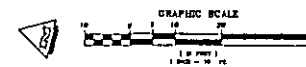
| | | |
|--|---|--------------------------|
| PROJECT NAME: | 1244 Oliver Tentative Map | |
| PROJECT DESCRIPTION: | Conversion of nine residential units to condominium ownership and a waiver to underground existing utilities. | |
| COMMUNITY PLAN AREA: | Pacific Beach Plan Area. | |
| DISCRETIONARY ACTIONS: | Coastal Development Permit, Tentative Map and utility underground waiver | |
| COMMUNITY PLAN LAND USE DESIGNATION: | Multi-Family Residential | |
| <div style="display: flex; justify-content: space-between;"> <div style="width: 55%;"> <p><u>CURRENT ZONING INFORMATION:</u></p> <p>ZONE: RM-1-1: multi-family residential zone</p> <p>DENSITY: one dwelling unit per 3,000 sq. ft. of lot area.</p> <p>HEIGHT LIMIT: 30-Foot maximum height limit.</p> <p>LOT SIZE: 6,000 square-foot minimum lot size.</p> <p>FLOOR AREA RATIO: 0.75 maximum.</p> <p>FRONT SETBACK: 15/20 feet.</p> <p>SIDE SETBACK: 5/8 feet.</p> <p>STREETSIDE SETBACK: 10 feet.</p> <p>REAR SETBACK: 15 feet.</p> <p>PARKING: 14 spaces required</p> </div> <div style="width: 40%;"> <p><u>CONSTRUCTED:</u></p> <p>R-4</p> <p>One unit per 400 sq. ft. of lot area</p> <p>30</p> <p>6,245 Square Feet</p> <p>0.62</p> <p>25-Feet</p> <p>5-Feet</p> <p>NA</p> <p>19-Feet</p> <p>10 spaces</p> </div> </div> | | |
| <u>ADJACENT PROPERTIES:</u> | LAND USE DESIGNATION & ZONE | EXISTING LAND USE |
| NORTH: | Multi-Family Residential; RM-1-1. | Multi-Family Residential |
| SOUTH: | Multi-Family Residential; RM-1-1. | Multi-Family Residential |
| EAST: | Multi-Family Residential; RM-1-1. | Multi-Family Residential |
| WEST: | Multi-Family Residential; RM-1-1. | Multi-Family Residential |
| DEVIATIONS OR VARIANCES REQUESTED: | None | |
| COMMUNITY PLANNING GROUP RECOMMENDATION: | On April 26, 2006, the Pacific Beach Community Planning Committee voted to approve the request for the Tentative Map. The motion passed 15-0-0. | |

1244 OLIVER AVENUE

TENTATIVE MAP FOR CONDOMINIUM CONVERSION

Tentative Map No. 254536

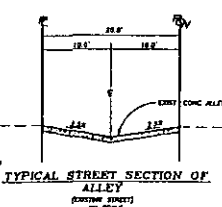
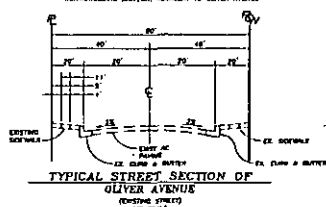
Project No. 81316



DEVELOPMENT NOTES

- THIS IS A MAP OF A CONDOMINIUM PROJECT AS DEFINED IN SECTION 13301.01 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA, AND A TENTATIVE MAP TO THE SUBDIVISION MAP ACT, THE TOTAL NUMBER OF CONDOMINIUM UNITS IS 1.
- NUMBER OF EXISTING LOTS = 3
NUMBER OF PROPOSED LOTS = 1
- EXISTING SHALL REMOVE EXISTING STREETS FROM THE OLIVER AVENUE RIGHT-OF-WAY.
- EXISTING SHALL REMOVE THE EXISTING AREA ADJACENT TO OLIVER AVENUE AS SHOWN ON THE MAP.
- EXISTING SHALL REMOVE THE EXISTING AREA OF THE EXISTING PARKING AREA OFF OF OLIVER AVENUE.
- EXISTING SHALL REMOVE THE EXISTING AREA OF THE EXISTING PARKING AREA OFF OF OLIVER AVENUE.
- EXISTING SHALL REMOVE THE EXISTING AREA OF THE EXISTING PARKING AREA OFF OF OLIVER AVENUE.

- THE SUBDIVISION SHALL COMPLY WITH ALL CURRENT LATEST LENDING STANDARDS ACCORDING TO CITY OF SAN DIEGO STREET MARKING, APPROPRIATE TO THE CITY.
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EXISTING INFORMATION

EXISTING AND PROPOSED ZONE: RM-1-1
CONDOMINIUM PROJECT MAP NO. 254536
UNITS: 1 UNIT, PARKING SPACES: 10 SPACES, RESIDENTIAL LOTS: 1 LOT, EXISTING LOTS: 3 LOTS, EXISTING LOTS: 3 LOTS

CITY OF SAN DIEGO

DEVELOPMENT SUMMARY

1. SUMMARY OF REQUEST:
CONVERT 1 EXISTING LOT TO CONDOMINIUM AND FILE A TENTATIVE MAP.
2. STREET ADDRESS: 1244 OLIVER AVENUE
SAN DIEGO, CA 92101
3. SITE AREA:
TOTAL SITE AREA (PROPOSED) (1,200 SF) (0.11 AC)
NET SITE AREA (1,200 SF) (0.11 AC)
4. EXISTING (EXISTING):
MAXIMUM NO. OF EXISTING LOTS ALLOWED PER ZONE: 3
NUMBER OF EXISTING LOTS TO BE ADDED OR DELETED: 0
NUMBER OF PROPOSED EXISTING LOTS TO BE ADDED OR DELETED: 0
TOTAL NUMBER OF LOTS PROVIDED ON THE SITE: 3
5. MAPS/STREETS: STANDARD: STANDARD
STREET NAME: OLIVER AVENUE
STREET TYPE: AVENUE
STREET WIDTH: 15' - 18'
6. PARKING: PARKING CRITERIA: COMMERCIAL, CONDOMINIUM
PARKING TYPE: COMMERCIAL, CONDOMINIUM
PARKING SPACE: 10 SPACES

| TYPE OF LOT | NUMBER OF LOTS | NUMBER OF UNITS PER LOT | NUMBER OF PARKING SPACES PER LOT |
|----------------------|----------------|-------------------------|----------------------------------|
| STANDARD LOT | 1 | 1 | 10 |
| 1 IN LOT | 1 | 1 | 10 |
| TOTAL LOTS | 1 | 1 | 10 |
| TOTAL UNITS | 1 | 1 | 10 |
| TOTAL PARKING SPACES | 1 | 1 | 10 |

LOT AREAS

| TYPE OF LOT | NUMBER OF LOTS | NUMBER OF UNITS PER LOT | NUMBER OF PARKING SPACES PER LOT |
|----------------------|----------------|-------------------------|----------------------------------|
| STANDARD LOT | 1 | 1 | 10 |
| 1 IN LOT | 1 | 1 | 10 |
| TOTAL LOTS | 1 | 1 | 10 |
| TOTAL UNITS | 1 | 1 | 10 |
| TOTAL PARKING SPACES | 1 | 1 | 10 |

MONUMENTATION & MAPPING

ALL PROPERTY CORNERS WILL BE SET AND A ONE LOT TIE LINE WILL BE FILED. A DETAILED PROCEDURE OF SURVEY WILL BE SHOWN ON THE FINAL MAP.

EXISTING IMPROVEMENTS

EXISTING DRAWING NO. 1244-1-1-1, 1244-1-1-2
EXISTING DRAWING NO. 1244-1-1-3

EXISTING & PROPOSED EASEMENTS

NONE

OWNER/DEVELOPER

WILLIAM S. A. JAMES & CLARKE
CLARKE (FAMILY TRUST)
PO BOX 541
JANES, CA 91329

WILLIAM S. A. JAMES & CLARKE

WILLIAM S. A. JAMES & CLARKE

| LEGEND | |
|--------------------------------------|-----|
| PROPERTY LINE/TENTATIVE MAP BOUNDARY | --- |
| EXISTING LOT | --- |
| EXISTING BLOCK WALL | --- |
| WOOD FENCE | --- |
| ROOF | --- |
| OVERHEAD WIRE | --- |
| DIRECTION OF DRAINAGE | --- |
| WATER METER | --- |
| POWER POLE | --- |
| PARKING SPACE | --- |
| TOP OF CURB | --- |
| FLOW LINE | --- |
| SEWER CLEAN OUT | --- |
| FRESH FLOOR | --- |
| INDICATED TOP STEP | --- |
| INDICATED BOTTOM STEP | --- |
| INDICATED POLY-ETHYLENE CHLORIDE | --- |
| EXISTING SEWER LINE | --- |
| EXISTING WATER SERVICE | --- |
| EXISTING GAS SERVICE | --- |
| INDICATES PROPOSED TRASH ENCLOSURE | --- |

PROFESSIONAL LAND SURVEYOR

SAN DIEGO LAND SURVEYING & ENGINEERING, INC.
1244 OLIVER AVENUE, SUITE 101
SAN DIEGO, CALIFORNIA 92101 (TEL) 541-4342

ROBERT J. BERNARD, P.L.S. 1993
REGISTRATION EXPIRES DECEMBER 31, 2008

DATE: 3-11-07



| | |
|--|--|
| <p>Prepared by: SAN DIEGO LAND SURVEYING & ENGINEERING, INC. 1244 OLIVER AVENUE, SUITE 101 SAN DIEGO, CA 92101 PHONE: 541-4342 FAX: 541-4342 EMAIL: info@sdles.com</p> | <p>Consent:</p> |
| <p>Project Name: 1244 OLIVER AVENUE CONDOMINIUM CONVERSION</p> | <p>Project No.: 1244-1-1-1</p> |
| <p>Project Description: 1244 OLIVER AVENUE, SUITE 101 CONDOMINIUM CONVERSION</p> | <p>Project Status: 1244 OLIVER AVENUE, SUITE 101 CONDOMINIUM CONVERSION</p> |
| <p>Project Owner: WILLIAM S. A. JAMES & CLARKE CLARKE (FAMILY TRUST) PO BOX 541 JANES, CA 91329</p> | <p>Project Engineer: WILLIAM S. A. JAMES & CLARKE CLARKE (FAMILY TRUST) PO BOX 541 JANES, CA 91329</p> |
| <p>Project Surveyor: ROBERT J. BERNARD, P.L.S. 1993 REGISTRATION EXPIRES DECEMBER 31, 2008</p> | <p>Project Date: 3-11-07</p> |
| <p>Project Title: 1244 OLIVER AVENUE CONDOMINIUM CONVERSION</p> | <p>Project No.: 1244-1-1-1</p> |
| <p>Project Status: 1244 OLIVER AVENUE, SUITE 101 CONDOMINIUM CONVERSION</p> | <p>Project Date: 3-11-07</p> |

STANDARD REQUIREMENTS:

1. Conversion of the existing units to condominium ownership must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. This Permit shall become effective with recordation of the corresponding final parcel map for and approval of the project site.
8. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable,

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-5094

COASTAL DEVELOPMENT PERMIT NO. 457937
1244 OLIVER TENTATIVE MAP – PROJECT NO. 81316
PLANNING COMMISSION

This Coastal Development Permit No. 457937 is granted by the Planning Commission of the City of San Diego to William G. Clarke and Joanne E. Clarke, Co-Trustees of Clarke Trust, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0702. The 0.25¹⁴³ acre site is located at 1244 Oliver Street, in the RM-1-1 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone, within the Pacific Beach Community Planning Area. The project site is legally described as Lots 29 and 30, Block 289, Pacific Beach Subdivision of AC Lots 67, 68, 76, 77, 80 and 81, Map TR No. 946.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner /Permittee to divide an existing 9 unit apartment complex to be converted into 9 residential condominium units described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated August 30, 2007, on file in the Development Services Department.

The project or facility shall include:

- a. Division of an existing two-story, 9 unit apartment complex, into 9 residential condominium units on a 0.143 acre property;
- b. Existing Landscaping;
- c. Existing Off-street parking facilities, ten parking spaces;
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

ENGINEERING REQUIREMENTS:

9. The Coastal Development Permit shall comply with all conditions of the associated Tentative Map No. 254536 to the satisfaction of the City Engineer.

AFFORDABLE HOUSING REQUIREMENTS:

10. The Housing Commission carried out a tenant income survey pursuant to the City's Coastal Overlay Zone Affordable Housing Replacement Regulations (Municipal Code Sections 143.0810 through 143.0860). The applicant is required to pay an in-lieu fee of \$145,100.00 to the Housing Commission or provide four replacement studio units for low-income households and one replacement studio unit for moderate-income households.

The applicant shall enter into a Coastal Affordable Housing Compliance Agreement with the Housing Commission prior to the approval of Final Map.

11. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5), to the satisfaction of the City Manager and the Housing Commission.

PLANNING/DESIGN REQUIREMENTS:

12. No fewer than ten (10) off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," on file in the Development Services Department. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

13. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

14. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for Inclusionary Housing Regulations (Chapter 14, Article 2, Division 13), to the satisfaction of the City Manager and the Housing Commission.

15. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5), to the satisfaction of the City Manager and the Housing Commission.

INFORMATION ONLY:

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the Planning Commission of the City of San Diego on August 30, 2007, by Resolution No. _____-PC.

PLANNING COMMISSION
RESOLUTION NO. – _____-PC
COASTAL DEVELOPMENT PERMIT NO. 457937
1244 OLIVER TENTATIVE MAP – PROJECT NO. 81316

WHEREAS, William G. Clarke and Joanne E. Clarke, Co-Trustees of Clarke Trust, Owner/Permittee, filed an application with the City of San Diego to divide an existing two-story, apartment complex with nine dwelling unit apartments into nine residential condominium units (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 457937, on portions of a 0.143-acre property;

WHEREAS, the project site is located at 1244 Oliver Street, in the RM-1-1 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limitation Overlay Zone, and within the Pacific Beach Community Planning Area;

WHEREAS, the project site is legally described as Lots 29 and 30, Block 289, Pacific Beach Subdivision of AC Lots 67, 68, 76, 77, 80 and 81, Map TR No. 946.

WHEREAS, on August 30, 2007, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 457937, pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated August 30, 2007.

FINDINGS:

Coastal Development Permit - Section 126.0708

1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan; and

The 0.143-acre project site is currently developed with an existing apartment complex which includes nine residential apartment units. The development proposes to divide the existing nine dwelling units into residential condominiums and is located approximately five blocks from the coastline. The proposed development is existing and is contained within the existing legal lot area, which will not encroach upon any existing or proposed physical access to the coast. The project site is not located on or adjacent to an identified visual access corridor as identified within the Pacific Beach Local Coastal Program. The project site is situated along Oliver Street, within a developed multi family residential neighborhood. The proposed division into condominiums met the development setbacks

and height limit required at the time it was built and the proposed structure will not block any identified visual corridor.

2. The proposed coastal development will not adversely affect environmentally sensitive lands; and

The 0.143-acre project site is currently developed with an nine dwelling unit apartment complex and does not contain environmentally sensitive lands. The environmental review, determined that the project would not have a significant environmental effect on environmentally sensitive lands and was found to be exempt from environmental review under CEQA Guidelines. The project does not propose any grading on any portion of the property and does not propose any encroachment into Environmentally Sensitive Lands.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program; and

The proposed division of the existing apartment complex with nine dwelling units into condominium units is located on a site which has a Multi-Family Residential land use designation. During environmental review, it was determined that the project was exempt under the CEQA Guidelines. The project design was also determined to be in compliance with all of the applicable development regulations at the time it was constructed. Due to these factors the proposed condominium conversion was found to be in compliance with the City of San Diego adopted Pacific Beach Community Plan and the Progress Guide and General Plan and the certified Local Coastal Program Land Use Plan.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The 0.143-acre site, currently developed with an existing apartment complex that includes nine dwelling units, is located within a well developed multi family residential neighborhood. The project site is not located between the first public road and the sea or coastline. Development of the project will be fully within the private property. The project site is approximately five blocks away from the Pacific Ocean. There is no identified public access and public recreation area on or adjacent to the project site and these stated resources will not be impaired by the development of this site. The proposed condominium conversion project is designed to take access off the existing public alley and public street, with all ten existing off street parking spaces off the alley and street. The existing character and pedestrian design of the street will remain unaltered.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development Permit No. 457937, is hereby GRANTED by the Planning

Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 457937, a copy of which is attached hereto and made a part hereof.

Glenn R. Gargas
Development Project Manager
Development Services

Adopted on: August 30, 2007

Job Order No. 42-5094

cc: Legislative Recorder, Planning Department

PLANNING COMMISSION RESOLUTION NO. ____ -PC
TENTATIVE MAP NO. 161391
1244 OLIVER TENTATIVE MAP - PROJECT NO. 81316

WHEREAS, WILLIAM G. CLARKE FAMILY TRUST, Applicant/Subdivider, and SAN DIEGO LAND SURVEYING AND ENGINEERING, INC., Engineer, submitted an application with the City of San Diego for a Tentative Map, No. 161391, for the conversion of an existing, two-story, nine (9) residential dwelling unit apartment complex into condominiums and to waive the requirement to underground existing overhead utilities. The project site is located at 1244 Oliver Avenue, on the north side of Oliver Avenue and east of Everts Street, and is legally described as Lots 29 and 30, Block 289, Pacific Beach Subdivision of AC Lots 67, 68, 76, 77, 80 & 81, Map TR No. 946, in the RM-1-1 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone and within the Pacific Beach Community Plan Area; and

WHEREAS, the Map proposes the subdivision of a 0.143 acre site into one (1) lot for a nine (9) unit residential condominium conversion; and

WHEREAS, the project is exempt from environmental review pursuant to Article 19, Section 15301(k) of the California Environmental Quality Act (CEQA) on the basis that the facilities are existing; and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineering pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and is filed pursuant to the Subdivision Map Act. The total number of condominium units is nine (9) residential dwelling units; and

WHEREAS, on August 30, 2007, the PLANNING COMMISSION of the City of San Diego considered Tentative Map No. 161391, including the waiver of the requirement to underground existing overhead utilities, and pursuant to Sections 125.0440, 125.0444, and 144.0240 of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the PLANNING COMMISSION having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the PLANNING COMMISSION of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 161391:

1. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).

2. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).
3. Each of the tenants of the proposed condominium project has received, pursuant to State Map Action Section 66452.9, written notification of intention to convert at least 60 days prior to the filing of a tentative map (Land Development Code 125.0444 and State Map Act Section 66427.1(a)).
4. The project has been conditioned that the Subdivider will give each tenant and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).
5. The project has been conditioned that the Subdivider will give each tenant 10 days' written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate, and that such report will be available on request (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).
6. The project has been conditioned that the Subdivider will give each tenant of the proposed condominium project written notification within 10 days of approval of a final map for the proposed conversion (Land Development Code Section 125.0444 and State Map Act Section 66427.1(b)). If the subdivider chooses to provide affordable housing units, the subdivider shall enter into an affordable housing agreement with the Housing Commission, prior to recordation of the Final Map.
7. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project 180 days' written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion (Land Development Code Section 125.0444 and State Map Act Section 66427.1(c)).
8. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right (Land Development Code Section 125.0444 and State Map Act Section 66427.1(d)).

9. The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing (Land Development Code Section 125.0444.b).
10. For any project that was developed to provide housing for the elderly, disabled or to provide low income housing, provisions have been made to perpetuate the use for which the project was developed (Land Development Code Section 125.0444.c).
11. Each of the tenants of the proposed condominium project has received written notification of the project application for the condominium conversion at least 10 days after the application was deemed complete (Land Development Code 125.0431(a)(3)).
12. The project has been conditioned that the subdivider will give each person applying for the rental of a unit in such residential real property written notification that the project application for the condominium conversion was deemed complete (Land Development Code 125.0431(a)(3)).
13. The project has been conditioned that the subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).
14. The project has been conditioned that the subdivider will provide a relocation assistance payment to all tenants of the project whose tenancy has terminated due to the condominium conversion. (Land Development Code Section 144.0505).
15. The project has been conditioned for the subdivider to satisfy the inclusionary housing requirements in accordance with Land Development Code Section 142.1306. (Land Development Code Section 144.0508).
16. The requested underground waiver of the existing overhead facilities, qualifies under the guidelines of Council Policy No. 600-25 *Underground Conversion of Utility Lines at Developers Expense* in that:
 - A. The conversion involves a short span of overhead facility (less than 600 feet in length).
 - B. The conversion is a requirement of a condominium conversion of an existing development and the conversion would not represent a logical extension to an underground facility.
17. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that, based on the Findings hereinbefore adopted by the PLANNING COMMISSION, Tentative Map No. 161391, including the waiver of the requirement to underground existing overhead utilities, is hereby granted to William G. Clarke Family Trust, Applicant/Subdivider, subject to the following conditions:

GENERAL

1. This Tentative Map will expire September 13, 2010.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the Tentative Map expiration date, a Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder.
4. The Final Map shall conform to the provisions of Coastal Development Permit No. 457937.
5. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.
6. The subdivider shall provide a Notice of Tenants Rights and Notices for Condominium Conversion, consistent with the Land Development Manual to be provided as follows:

- a. For existing tenants, within 10 days of the project application for the *condominium conversion* being deemed complete; or
 - b. For prospective tenants, upon application for the rental of a unit in the proposed *condominium conversion*.
7. The Subdivider shall provide each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act.
8. The Subdivider shall provide the tenants a Notice of Application for a Public Report at least 10 days prior to the submittal to the Department of Real Estate (DRB), pursuant to Section 66427.1(a) of the Subdivision Map Act.
9. The Subdivider shall provide each of the tenants of the proposed condominiums written notice of intention to convert at least 180 days prior to termination of tenancy due to the conversion or proposed conversion in conformance with Section 66427.1(c) of the Subdivision Map Act. The provisions of this subdivision shall not alter nor abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Sections 1941, 1941.1 and 1941.2 of the Civil Code.
10. The Subdivider shall provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, in conformance with Section 66427.1(d) of the State Map Act. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report, pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.
11. The Subdivider shall provide the tenants of the proposed condominiums with written notification within 10 days or approval of a Final Map for the proposed conversion, in conformance with Section 66427.1(b) of the Subdivision Map Act.
12. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
13. Prior to recordation of the Final Map, all onsite utilities serving the subdivision shall be undergrounded with appropriate permits. The applicant shall provide written confirmation from applicable utilities that the conversion

has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.

14. The Subdivider shall provide each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act.
15. The Subdivider shall provide the tenants a Notice of Application for a Public Report at least 10 days prior to the submittal to the Department of Real Estate (DRB), pursuant to Section 66427.1(a) of the Subdivision Map Act.
16. The Subdivider shall provide each of the tenants of the proposed condominiums written notice of intention to convert at least 180 days prior to termination of tenancy due to the conversion or proposed conversion in conformance with Section 66427.1(c) of the Subdivision Map Act. The provisions of this subdivision shall not alter nor abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Sections 1941, 1941.1 and 1941.2 of the Civil Code.
17. The Subdivider shall provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, in conformance with Section 66427.1(d) of the State Map Act. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report, pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.
18. The Subdivider shall provide the tenants of the proposed condominiums with written notification within 10 days or approval of a Final Map for the proposed conversion, in conformance with Section 66427.1(b) of the Subdivision Map Act.
19. The subdivider will provide to a prospective purchaser a copy of the Building Conditions Report prior to the opening of an escrow account. (Land Development Code Section 144.0504(c)).

AFFORDABLE HOUSING

20. The Housing Commission carried out a tenant income survey pursuant to the City's Coastal Overlay Zone Affordable Housing Replacement Regulations (Municipal Code Sections 143.0810 through 143.0860). The applicant is required to pay an in-lieu fee of \$145,100.00 to the Housing Commission or

provide four replacement studio units for low-income households and one replacement studio unit for moderate-income households.

The applicant shall enter into a Coastal Affordable Housing Compliance Agreement with the Housing Commission prior to the approval of Final Map.

21. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5), to the satisfaction of the City Manager and the Housing Commission.

ENGINEERING

22. The Final Map shall comply with the provisions of Coastal Development Permit No. 457937.
23. The subdivider shall remove the parking stripes from the Oliver Street right-of-way.
24. The subdivider shall repair the damaged areas of the on site parking area off of Oliver Avenue.
25. The subdivider shall repair the damaged areas of the adjacent alley.
26. The subdivider shall ensure that all onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
27. The subdivider shall re-stripe the rear and front parking spaces as shown on the TM.
28. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for building and landscape improvements (Land Development Code Sections 144.0507), to the satisfaction of the City Engineer. The parking requirements in Land Development Code Sections 144.0507 and 142.0525.a do not apply, since this project was deemed complete prior to the effective date of this ordinance (July 27, 2006).

MAPPING

29. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be

the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).

30. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
31. Every Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.
32. The design of the subdivision shall include private easements, if any, serving parcels of land outside the subdivision boundary or such easements must be removed from the title of the subdivided lands prior to filing any parcel or final map encumbered by these easements.

SEWER AND WATER

33. Water and Sewer Requirements:
 - a. The subdivider shall install appropriate private back flow prevention devices on all existing and proposed water services (domestic, irrigation, and fire) adjacent to the project site in a manner satisfactory to the Water Department Director.
 - b. The subdivider shall provide a letter, agreeing to prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.

INFORMATION:

- The approval of this Tentative Map by the Planning Commission of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party, on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within 90 days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SAN DIEGO, CALIFORNIA, ON AUGUST 30, 2007, BY RESOLUTION NO. ____ - PC.

By

Glenn R. Gargas
Development Project Manager
Development Services Department

Job Order No. 42-5094

Rev 3/7/05 dcj

PACIFIC BEACH COMMUNITY PLANNING COMMITTEE
April 26, 2006 Meeting Minutes

Members Present:

| | | | |
|-----------------|-----------------|------------------|--------------------|
| Katie Cooper | Chris Fuller | Jim Lester | Mark Mitchell |
| Jim Morrison | Ben Nicholls | Marcie Beckett | Catherine Strolein |
| Barry Schneider | Kathy Evans | William Heilmann | John Shannon |
| Jenton Price | Carol Blomstrom | Kathy Mateer | |

Call to Order, Quorum, Minutes, and Agenda

The meeting was called to order at 6:30 PM. A quorum was established.

- Motion (C. Strolein/ J. Lester): approve minutes for March 22nd meeting. Motion carried with all in favor.

Residential subcommittee item number 9, referring to 825 Missouri Street was continued.

- Motion (B. Schneider/ C. Strolein): adopt revised agenda. The motion passed unanimously.

Communications from the Public (non agenda items): None

Government Office Reports

A. Stanley from Council District 2 reported that the Beach Area Community Court hosted its first Impact Panel Volunteer Training on 4/ 25. She reported that the first court session would occur on 5/13. She solicited volunteers. She reported on city activities during the PB Block Party date. She also reported that a community cleanup day would occur on 4/29 and that Councilmember Faulconer would attend. She answered several questions regarding directional painting on the boardwalk and the status of the lifeguard tower.

City Planner- Marlon Pangilinan:

M. Pangilinan reported that a training was occurring for new committee members on 4/29. There was some discussion regarding which committee members had taken the trainings.

Chair's Report – Mark Mitchell:

M. Mitchell conducted the officer elections.

- Motion: (C. Blomstrom/ C. Strolein): Elect M. Mitchell as PBGPC Chair. The motion was endorsed by all members.
- Motion: (C. Blomstrom/ B. Schneider): Elect C. Strolein as PBCPC vice Chair. The motion was endorsed by all.
- Motion: (C. Blomstrom/ K. Mateer): Elect B. Nicholls as Recording Secretary. The motion was endorsed by all.

M. Mitchell reported that anyone interested in appointed positions communicate their interest to him for appointment at the next meeting.

B. Nicholls reported that J. Shannon had not received sufficient votes during the election to be seated. Subsequently another application had been received for that slot.

- Motion (C. Blomstrom/ B. Schneider): To receive J. Shannon's application for vacant residential 80.01 board position. The motion passed with all in favor.

Residential Subcommittee Report – Barry Schneider:

1. 1333 Reed Avenue #85426 CDP to construct a two story garage and workshop.

The subcommittee had expressed a desire that the two structures be tied together stylistically and the group expressed concern that the 'workshop' would become an illegal bedroom over time.

- Motion (B. Schneider/ M. Beckett): approve the project with the condition that the bathroom facilities be limited to those shown in the plan. The motion passed unanimously.

- **2. 1501 Chalcedony Street #90566 CDP and TMW to convert 4 existing residential units to condominiums. &**
- **3. 1509 Chalcedony Street #90571 CDP and TMW to convert 4 existing residential units to condominiums.**

The subcommittee had reported issues regarding providing additional parking. However it was reported by the applicant that adding another parking space within the project would result in the loss of one on the street. The committee's concerns regarding the location of trashcans were pacified when the applicant illustrated the location of a trash enclosures.

- Motion (B. Schneider/ Jim Lester): approve the project providing the trash enclosures illustrated were included. The motion passed(14 /1):.

4. 1117 Feldspar Street #94366 CDP & TM to create 4 residential condominiums under construction. & 5. 1125 Feldspar Street #94859 CDP & TM to create 4 residential condominiums under construction.

The subcommittee expressed a concern about cedar wood fencing.

- Motion (B. Schneider /J. Lester): approve the project with the condition that a three foot iron fence be included as discussed. The motion carried (14 /1):.

6. 1244 Oliver Ave. #81316 CDP and TM to convert 9 existing residential units to condominiums.

The subcommittee discussion had centered on concerns about the trash enclosure.

- Motion (B. Schneider/ J. Lester): approve the project with the stipulation that the trash enclosures be included. The motion carried with all hands in favor.

7. 901 Sapphire Street #84320 CDP and TM to convert 10 existing residential units to condominiums.

The subcommittee reported that the map needed to be updated to illustrate trash enclosures and corrected unit counts.

- Motion (B. Schneider/ C. Strolein): was made to approve the project. The motion carried (14 /1):.

8. 835 Thomas Ave. #84312 CDP and TM to convert 11 existing residential units to condominiums.

The subcommittee reported that the 11th parking space should be reconfigured to better accept access for emergency vehicles and that trash enclosures should be clearly called out.

- Motion (B. Schneider/ J. Lester): was made to approve the project. The motion carried (13 / 2):.

The Residential Subcommittee report concluded.

Commercial Subcommittee report – B. Nicholls

1. 4767 Missouri Street #94959 add 3 wireless antennas and equipment to an existing rooftop penthouse.

The correct address for this project was reported as 4767 Ocean Blvd.

- Motion (B. Nicholls/ C. Blomstrom): Endorse the project. The motion carried (14/1):.

2. 2088 Beryl Street #95949 NUP for two new 30 feet high light standards supporting antennas

The subcommittee reported that a discussion had occurred regarding the proximity of radio towers to a school and whether the tower should be painted to match the surrounding tree or be designed to look like a tree.

- Motion (B. Nicholls/ C. Blomstrom): Endorse the project with the stipulation that the tower simply be painted to look like a tree. The motion carried (10/5):.

3. 4105 Mission Blvd. #41256 CDP to demolish and existing building and construct 18 residential units over commercial (resubmittal):.

M. Beckett reported that the project was moving forward and that input was required for a Negative Mitigated Declaration. She stated that the project would reach the Planning Commission in June. M. Beckett summarized the previous objections to the project.

- Motion (M. Beckett/ C. Blomstrom): "The chair is authorized to send a written response to the NMD for #41256 that will convey previously established concerns of the project and a representative shall be sent to all public hearings to convey the committee position regarding said project ". The motion passed with all in favor.

4. 2830 Grand Ave. #4977 – Convenience Store with application for liquor license.

It was reported that this project was moving forward and that the opinion of the committee was being misrepresented. The previous vote of support for this project had been based on no alcohol use being included. The project now included alcohol sales. A Strolein gave an enthusiastic presentation regarding this project.

- Motion (Jim Lester/ B. Schneider): Reconsider the project. The motion carried with all hands in favor.



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit
☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☐ Conditional Use Permit
☐ Variance ☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment ☐ Other _____

Project Title

1244 Oliver Ave. Condominium Conversion

Project No. For City Use Only

81316

Project Address:

1244 Oliver Ave.

Part to be completed when property is held by individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☒ No

Name of individual (type or print):

WILLIAM G. CLARKE

☒ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

13945 PROCTOR VALLEY RD.

City/State/Zip:

JAMUL CA. 91935

Phone No:

619 669 1706

Fax No:

619 669 1315

Signature:

William G. Clarke 7-11-05

Date:

Name of individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

Name of individual (type or print):

JOANE E. CLARKE

☒ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

13945 PROCTOR VALLEY RD.

City/State/Zip:

JAMUL CA. 91935

Phone No:

619 669 1706

Fax No:

619 669 1715

Signature:

Joane E. Clarke 7-11-05

Date:

Name of individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

NOTE #1 OWNERS ARE CO-TRUSTEES OF THE CLARKE TRUST DATED NOV. 12, 1991

NOTE #2 ALL MAIL SHALL BE SENT TO P.O. BOX 549 JAMUL CA. 91935

**1244 OLIVER TENTATIVE MAP
COASTAL DEVELOPMENT PERMIT & TENTATIVE MAP**

Project No. 81316

Project Chronology

| Date | Action | Description | City Review Time | Applicant Response |
|-----------------------------------|---|--|-----------------------------|-----------------------------|
| 9/28/05 | Applicant submits initial plans/Deemed Complete | Project plans distributed for City staff review. | 1 day | |
| 11/07/05 | First Assessment Letter | First Assessment Letter identifying required approvals and outstanding issues provided to applicant. | 1 Month 9 days | |
| 1/23/06 | Applicant submits second full set of plans. | Applicant's revised set of plans submitted in response to first assessment letter from City staff. | | 3 Months 6 days |
| 03/28/06 | Second Assessment Letter | Second Assessment Letter identifying all remaining/outstanding issues. | 2 Month 5 days | |
| 2/22/07 | Issues resolved | Staff determines project issues resolved, okay Process 4 Planning Commission hearing to proceed. | | 9 Months 24 days |
| 08/30/07 | Planning Commission Hearing | Public Hearing | 6 Month 8 days | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| TOTAL STAFF TIME | | Averaged at 30 days per month | 9 Months 22 Days | |
| TOTAL APPLICANT TIME | | Averaged at 30 days per month | | 13 Months 0 Days |
| TOTAL PROJECT RUNNING TIME | | | 22 Months, 22 Days | |



Good Neighbors

San Diego Housing Commission

ATTACHMENT.12

- 1625 Newton Avenue
- San Diego, California 92113-1038
- 619/578-7580
- FAX: 619/578-7356
- www.sdhc.net

January 30, 2007

Mr. William Clarke
P.O. Box 549
Jamul, CA 91935

SUBJECT: Coastal Affordable Housing Compliance Permit, 1244 Oliver Avenue,
PTS #81316

Dear Mr. Clarke:

The purpose of this letter is to notify you of the Coastal Affordable Housing Compliance Permit Determination for your proposed conversion of nine apartments to condominiums at 1244 Oliver Avenue.

Upon receipt of your application, Housing Commission staff carried out an income survey of the nine units. The tenant income survey identified **four studios occupied by low-income persons and one studio occupied by moderate-income persons.**

Pursuant to the City's Coastal Overlay Zone Affordable Housing Replacement Regulations (Municipal Code Sections 143.0810 through 143.0860), we are notifying you of the results of this tenant income survey and your obligation to provide four studio replacement units with rents affordable to low-income households and one studio unit with rents affordable to moderate-income households for a period of five years. Alternatively, you may pay an in-lieu fee to the Housing Commission.

If you propose to provide replacement units, those units must be acceptable to the Housing Commission, consistent with the Municipal Code sections cited above. Affordable housing costs and affordable rents shall meet the requirements of California Health and Safety Code Sections 50052.5 and 50053.

If you propose instead to pay an in-lieu fee, your obligation under the current in-lieu fee schedule would be as follows:

| Unit Size | Income Category | Number of Replacement Units | In-Lieu Fee | Total |
|--------------|-----------------|-----------------------------|-------------|------------------|
| Studio | Low-income | 4 | \$31,100 | \$124,400 |
| Studio | Moderate-income | 1 | \$20,700 | \$20,700 |
| TOTAL | | 5 | | \$145,100 |

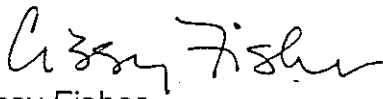


Mr. William Clarke
January 30, 2007
Page 2

Please note that the in-lieu fee schedule is subject to change, and the amount you would be required to pay will depend on the fee schedule in place at the time the Coastal in-lieu fee is due and payable.

When you have decided whether to provide replacement units or to pay the in-lieu fee, please notify Ms. Ann Kern of your decision **in writing**. She can be reached at 619-578-7582 or via e-mail at annk@sdhc.org

Sincerely,

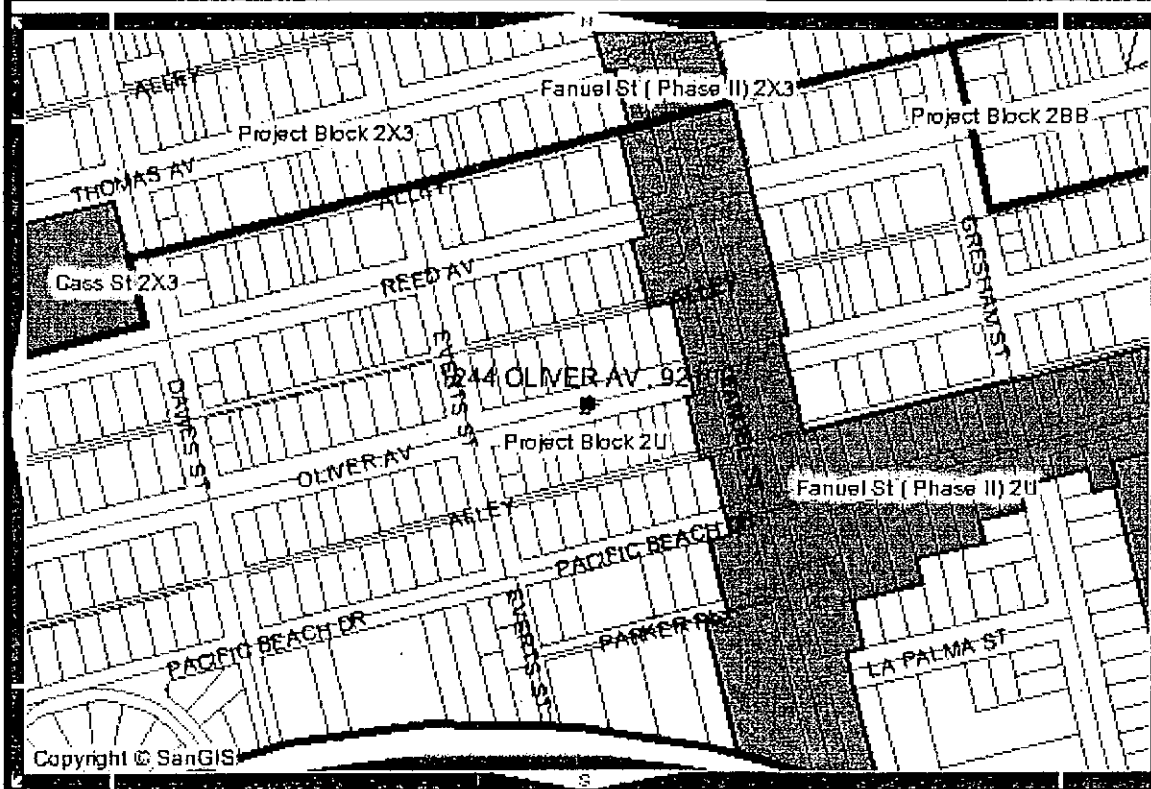


Cissy Fisher,
Director, Housing Finance & Development

c: Ann Kern, San Diego Housing Commission
Glenn Gargas, City of San Diego Development Services, MS501
Robert Bateman, San Diego Land Surveying & Engineering

g:\hfshare\coastal\1244 Oliver Avenue \1244 Oliver Determination Ltr

Utilities Undergrounding Mapping Application



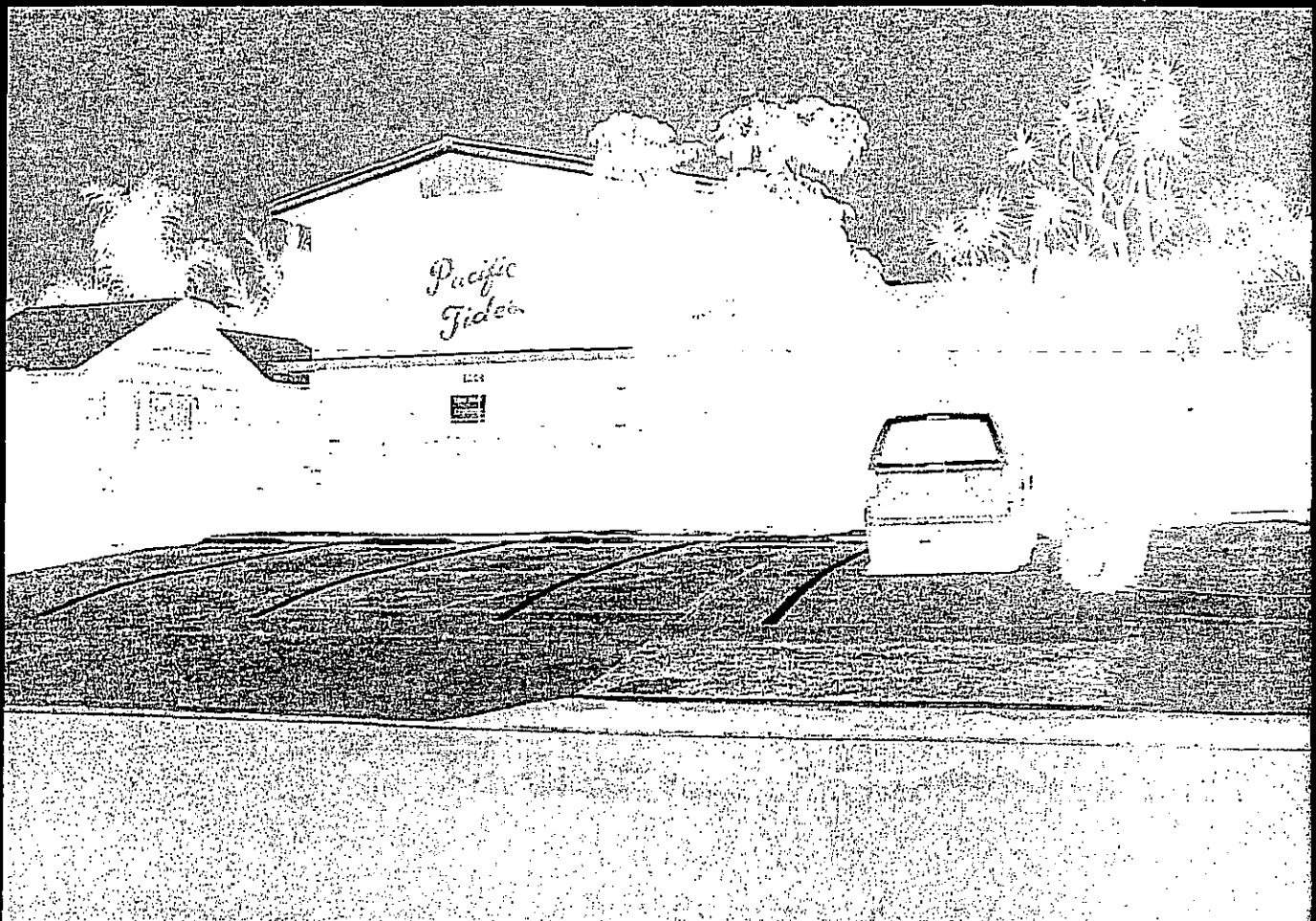
Identify Results

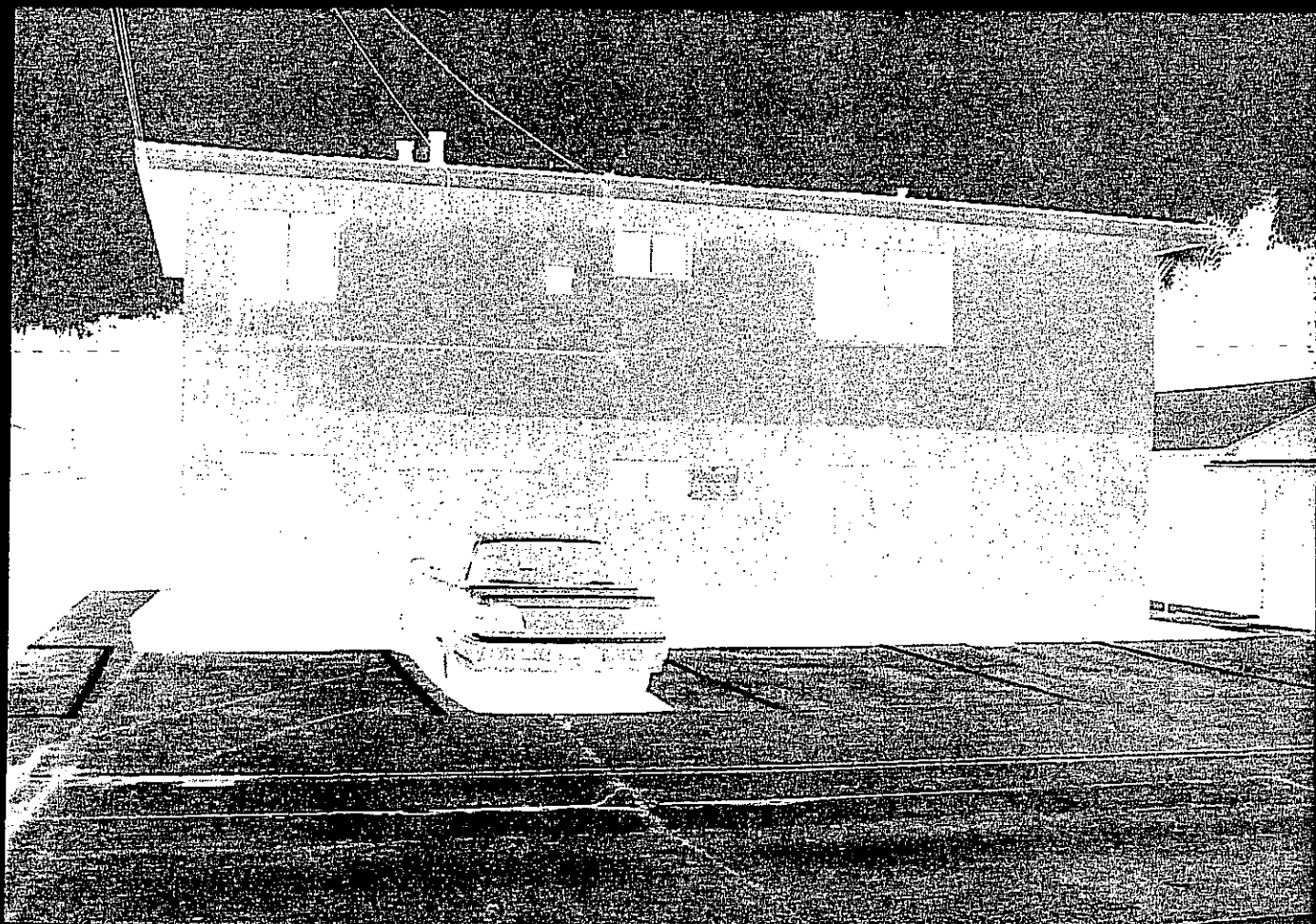
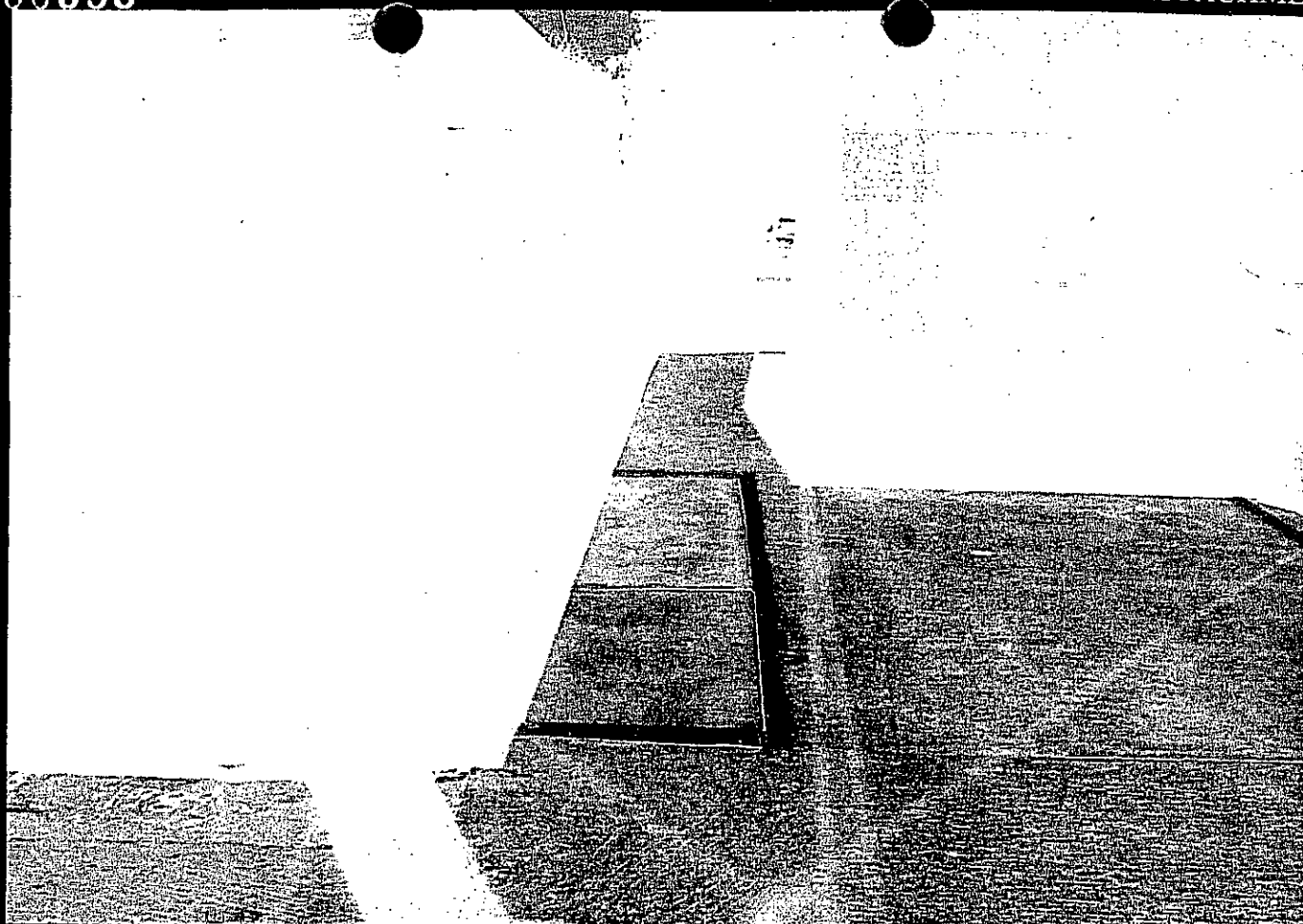
Council Districts

Council District: 2
 Member Name: Kevin Faulconer
 Office Phone: (619) 236-6622

Utilities Undergrounding Projects

Project Name: Project Block 2U
 Year Allocated: 2045
 Project Start: May 31, 2047
 Project End: May 30, 2049
 Contact Person: Carol Drummond
 Phone #: 6195333841
 Email: undergrounding@sa
 Website: www.sandiego.gov,
 Council District: 2
 Phase: unallocated







**Building Condition Report
Analysis and Executive Summary
July 10, 2007
Version 1**

The subject property is a residential complex located at 1244 Oliver San Diego, Ca 92109. The development consists of one, two level building with nine total living units, and nine marked uncovered.

This report consists of three sections, the analysis and executive summary section, the licensed building inspectors detailed findings and photographs and the structural engineers report and findings.

Detailed inspections and reports were performed by Edward J. Vargas, State of California Registered Professional Engineer, C41205, and Mike Goodrich State Of Arizona Certified Inspector, Certified Termite Inspector and Certified Residential Mold Inspector.

Every attempt has been made to ensure that the inspection and this report comply with the City Of San Diego Condominium Conversion Process Building Condition Report Ordinance. All units were inspected.

Executive Summary

The buildings, systems and grounds in this development are aged, and have some deferred maintenance. Some system upgrades are warranted but in general the development is in satisfactory condition. This development can easily be rehabilitated and converted to condominiums/living units consistent with the neighborhood's general construction quality, amenities and architectural style.



Integral Building Components Health And Safety Code Analysis

Foundation And Structure:

The buildings foundations and structures are aged but in good condition relative to their age. The lateral and vertical support members are in adequate condition.

The buildings stairs, railings, baluster, and banisters are in satisfactory condition.

Walls And Exterior Components:

Walls and exterior components are generally in satisfactory condition with normal stucco maintenance, termite damage and wood rot repairs needed.

Windows:

All windows are functional and provide adequate fire egress in sleeping areas. The windows are aged and loose in their frames replacement for age is recommended. This building uses single pane aluminum frame windows which do not meet Title 24 energy efficiency standards for this zone. All windows should be replaced with insulated dual pane windows as part of the conversion plan.

Roofs:

The roof covering is asphalt shingle roofing material. The roofing material have an apparent age of 5 years old.

With normal maintenance the roof will have a life expectancy greater than five years.

Electrical:

The electrical system does not make complete use of currently accepted safety components (GFCIs and AFCIs). The electrical system should be upgraded to include appropriate use of currently approved electrical distribution safety devices (GFCI outlets and AFCI breakers) in all locations currently required by municipal building codes. The main building is supplied by one 100 amp service and each unit has a 35 amp service. The 35 amp services will be undersized for the needs of upgraded condominiums, and will need to be upgraded to 60 to 100 amp services (depending on planned unit amenities). The upgrades to the unit service rating will require upgrades to the sizing of the 100 amp main service to the complex.

The building and living units do not meet current municipal residential building guidelines in regards to number, location, interconnection and installation of smoke detectors. Smoke detector system upgrades are required.

**Plumbing:**

The natural gas supply system does not include emergency manual or automatic seismic shutoff valves. As a minimum a manual emergency seismic shutoff valve/wrench should be installed.

The water supply plumbing is copper and appears to be in adequate condition.

Mechanical:

Living units are not equipped with cooling systems.

Living units are equipped with approximately 10 year old gas wall furnaces which were in satisfactory condition at the time of the inspection. These units will have a remaining useful life in excess of five years with normal maintenance...

Paving And Drainage:

Concrete drives are in adequate condition. Drives need to be patched and resurfaced. Walks are worn and in need of resurfacing along with some repairs for safety. . With repairs, crack patching, sealing and resurfacing the concrete drives and walks will have a remaining useful in excess of five years.

Parking And Recreational Facilities Analysis:

Landscaping is consistent with the neighborhood. Ten (10) marked uncovered spaces are provided at the North and South ends of the building. No recreational facilities are provided.

Energy Efficiency Standards Compliance Analysis:

Due to the age and construction style using non-invasive inspection techniques it was impossible to determine certain aspects of energy efficiency (wall insulation R factor for example). Windows do not currently meet the Title 24 energy efficiency standards for the zone. There is no attic insulation. The following recommendations are made:

1. Windows should be replaced with windows meeting Title 24 energy efficiency standards for this zone.
2. Insulation and a vapor barrier should be added to the attic consistent with current municipal standards.



Integral Building Components Remaining Useful Life Analysis:

Roofs:

The main roof is approximately five years old. With normal maintenance the roof will have a remaining useful life in excess of five years. .

Water Heating:

Water heating is provided by a common 75 gallon gas water heater. The water heater is fifteen years old. Normal water heater life expectancy is 8 to 12 years. The water heater will need to be replaced to obtain a useful life in excess of five years

Cooling And Heating Mechanical:

The natural convection gas wall furnaces are approximately then years old and have a remaining useful life in excess of five years.

Exterior Floor Coatings:

Exterior walks, balconies and stair treads are finished concrete. Exterior concrete is in a worn condition but with minor crack filling and resurfacing the exterior floor coatings will have a remaining useful life in excess of five (5) years.

Foundation And Structure:

The buildings foundations and structures are aged but in good condition relative to their age. The lateral and vertical support members are in adequate condition. The buildings stairs, railings, baluster, and banisters are in satisfactory condition. All these components have a remaining useful life well in excess of five years.

Disabled Access Analysis:

No provisions for disabled access are currently available in this project. No ADA parking spaces are provided.

Sound Transmission Analysis:

This building does not meet the current municipal sound transmission standards.



Actions To Ensure Safe And Efficient Operation Of Plumbing, Heating, Electrical and Roofing Systems:

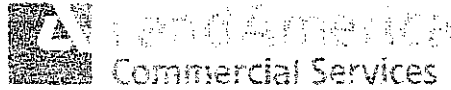
Developer intends to take the following actions in regards to the future safe and

efficient operation of these important major building systems:

1. Upgrade electrical system to include installation of GFCIs and AFCIs in all required locations.
2. Upgrade unit and complex electrical services to meet the needs of modern condominium appliances.
3. Smoke detectors will be upgraded and installed consistent with current municipal residential building guidelines. This includes 120VAC, battery backed up and interconnected with all other smoke detectors in the building.
4. A manual seismic emergency shutoff will be installed in the natural gas supply system.
5. Aged water heater pump will be replaced.
6. Windows will be replaced with dual pane insulated windows..

Proposed Structural Changes And Cosmetic Improvements:

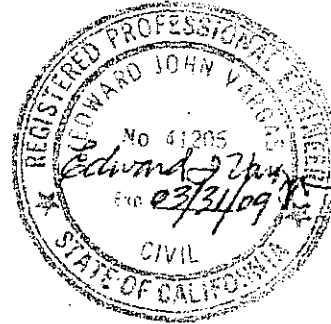
There are no planned general structural or façade enhancements.

**Report Approval:**

Executive Summary, Structural Report And Detailed Inspection Report
Reviewed And Approved:

A handwritten signature in cursive script that reads 'Edward J. Vargas'.

Edward J. Vargas
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